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LABOR AND LIBERTY

The Historic Development of the Labor Question

LECTURES

DELIVERED UNDER THE AUSPICES OF THE

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HENRY W. CHEROUNY

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PREFACE.

THE object of the present essays is to show that the labor question is not merely like a wave which has rolled across the ocean and is likely to break upon American shores, but a phenomenon in the life of our nation which is engendered by the fundamental principles of its economic legislation.

"The Historic Development of the Labor Question" forms part of a book which is in course of preparation and soon to appear under the title of "Labor and Liberty." This accounts for the disconnected paging.

H. W. C.

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LITERATURE.

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I.

THE ORIGIN OF THE GUILD.

ACCORDING to the unquestionable testimony of the affinity of language, it seems certain that the Anglo-Saxons who peopled the British islands were a genuine branch of the Germanic race. When they came to England cannot be exactly ascertained. The reports about their modes of life are also very meagre, yet they give sufficient evidence that the Anglo-Saxons were a rough, superstitious people, who recognized no other bonds among them than those of consanguinity. The father had absolute control over his children, and ruled with hardly any limitations over the collective body of the household, consisting of the members of the family with their slaves. The relative families, usually remaining in close neighborhood, formed the kin, which represented in heathenish times the most intimate natural union for the guarding of common interests. It was a matter of course that the whole of a kin should stand by each of its members in good and evil, and share alike weal and woe. In common they attended to their vocation, which consisted, according to the popular habits of the age, either in the chase, feuds, or wars. In common they bore all the burdens of life, and shared both gain and loss. The kin was the minor's protector and avenger of the offended. It helped the transgressor in the payment of his fine—the *wer-gild*—and assisted the sick and weak in their afflictions. In short the Germanic family of ancient times appears to have been a paragon of

solidarity in all the affairs of life. The historians of the Roman Empire speak in the highest terms of admiration of our forefathers' domestic virtues at a time when they were called "barbarians."

At the beginning of the Christian era, the wild Germanic children of the forest, with fresh blood and sound morals, came along the whole line of their habitations in contact with the ancient culture of the Romans. A long struggle for predominance ensued, which ended, about five hundred years later, with the subjugation of the Roman Empire. But though the Germanic tribes were victorious on the battle-field, they submitted to the more refined civilization of the former lords of the globe, and adopted the modes of life of the vanquished, their form of government and social habits. The Germanic tribes gave up their nomadic life and settled in fixed abodes.

This caused many difficulties and changes in the old usages of the Germanic kin. By natural increase, each clan grew in numbers, and strangers coming from the Roman cities settled among them. Thus the bonds of the family relaxed more and more, but the neighbors continued with their ancient habit of holding sacrificial assemblies on festive occasions, with deliberations on the common weal. The strangers who participated in the counsels were gradually admitted to the regularly recurring banquets of the kin, called by Roman writers *Gildoniæ*.

The growth of the *hams*, originally homes of one family—as *Bearming ham*, the home of the kin of the Bearms—developed also strong separate family interests, with objects averse to those of neighboring clans, or relatives. In the everlasting rivalries and feuds among them, the solitary settlers felt it more and more of advantage to ally themselves with the strongest families in the vicinity for mutual protection in all the affairs of their growing communities, because the state, which grew but slowly and came to power only after long centuries of consolidation among

refractory elements, had no power to afford the hamlets sufficient protection against marauders and roving tribes.

The men united for the protection of their homes, and meeting at stated times for common deliberation and sacrificial feasts, were the first guilds, which took by degrees, in questions of common import, the place of the ancient family organization. As long as the latter satisfied their members' wants, there was no room for other bonds among them. But when new conditions had made it necessary to admit strangers into their communities, the guild proved to be the proper form, not only to preserve individual liberty under a strong government, but also for the regular exercise of charity among the needy, the dispensation of sterling justice, whenever conflicts of opinion arose among the members, and for mutual protection against internal and external enemies. The feeling of solidarity among men found in the extended family—the guild—its expression, and nothing can better characterize it than the words of one of their old constitutions: "If one misdo, let all bear it, let all share the same lot."

The oldest traces of such regularly organized fraternities for mutual protection against all dangers from violence or misfortune, are among the laws of King Ihna, 688–725, who made it incumbent on all guilds mutually to pay stated fines for crimes perpetrated by members of their brotherhood. Similar declarations are found in certain edicts of King Alfred about 900; they ordain that if a man without relatives be found guilty of murder, his guild shall pay the penalty. The celebrated *Judicia Civitatis Lundoniæ*, of Athelstane's time, about 950, began to frame regulations for the mode of transacting business *in* the guild, the burial of the dead, and the support of the poor.

The oldest statutes which have been preserved are of the eleventh century. They are those of the Thegns Guild at Cambridge, the God and St. Peter's Guild of Abbotsbury, which was founded by Orcy, a friend of Canute, and of the Guilds of Exeter and Woodbury.

The word "guild," which is used in these agreements, is, according to Dr. Bosworth, of Anglo-Saxon origin, and in its meaning is equivalent to "a payment of money, compensation, tribute." Derived from this word appear the verbs "*gyldan, gildan, geldan,*" to pay, give, render. Hence the word appears in many connections: *dane-gild, ceap-gild, wer-gild,* and possibly the German *Geld,* money, as well as the English *yield,* originate alike from the "guild" and its uses.

Mr. Kemble, in his "Saxons in England," II, 310, characterizes the guilds of this period in the following beautiful words: "These gylds, whether in their original nature religious, political, or merely social unions, rested upon another and solemn principle: they were sworn brotherhoods between man and man, established and fortified upon oath and pledge, and in them we consequently recognize the germ of those sworn communes, *communæ,* which in the times of the densest seigniorial darkness offered a noble resistance to episcopal and baronial tyranny, and formed the nursing-cradles of popular liberty."

Miss L. Smith remarks in the preface to her father's *Collection of English Guild Statutes:* "The early English guild was an institution of local self-help which, before poor-laws were invented, took the place, in old times, of the modern benefit society; but with a higher aim: while it joined all classes together in a care for the needy, it did not neglect the forms and the practice of religion, justice, and morality." "They were an outcome in another form, of the same spirit of independence and mutual help, which also made our old English fathers join together in the 'Frith-borh' or 'Peace-pledge,' the institution which lies at the very root and foundation of modern civil society." "English guilds are practical institutions, older than the Kings of England."

The guild-brothers assembled at stated times for common feasts. Every member had to contribute to the banquets. With a consultation about things of common

interest was connected the exercise of charity in cases of sickness and death, the expenses for which requirements were covered by regular assessments.

Christianity, in its rise and progress among our ancestors, worked its way in their old modes of life. The clergy took part in the banquets, and Bishop Hincmar of Rheims, in 858, forbade his monks, in strong words, from participating in the drinking-bouts, with their raillery and lewd conversation, at the *Gildoniæ* banquets. Admonishing the clergy faithfully to fulfil the duties of the guild, he solemnly warned against the devilish associations of its banquets. Similar ordinances were enacted by Bishop Walter of Orleans, in 850, who forbade also the drinking to the health of the saints and deceased members of the guild family.

By and by, priests themselves formed guilds, with the view to assist one another in the performance of religious duties, and in cases of sickness and death among them. From the fact that many religious guilds met on the first day of each month for the transaction of their business, they derived their name "Guilds of the Kalendars," and in a deed of the fifteenth century they are still called *fratres in calendis missas celebrantes.*

At times the religious guilds were limited in numbers, but mostly every man with a pure record could become a member. In the minutes of a Flensburg guild, which seems to have been limited to twenty-four members, we find that in 1422 the priests of the guild were petitioned to admit the wives of their lay-members; which was granted for the banquet after the business part of the meetings.

The sacrificial guilds were mostly named after some saints before whose images they kept tapers burning, or for whom they established special altars in their parish churches. In the course of time, their activity extended from the exercise of simple Christian duties of one neighbor toward another over the whole sphere of mishaps which can be amended by mutual assistance. They were

insurance companies against accidents of all sorts, and the many constitutions which have been preserved contain, down to the last clauses, the business order while in session, and rules for personal conduct in life—about the same paragraphs which are found in the by-laws of our manifold benevolent societies of to-day. If one is read we know them all.[1]

Twelve guilds of this kind are reported to have existed in Norwich; as many in Lynn; eighty in Cologne; seventy in Lubeck; over a hundred in Hamburg, and so on in all the cities of the middle ages.

But the feudal lords knew, as well as the lords in our own day, the truth contained in the words of Aristotle in his book on politics, V, c. ii: "The cited means to preserve the power to rule as long as possible consist in this: allow neither banquets nor political unions and general education; but ward off everything which tends to awaken two qualities in the people: self-respect and mutual confidence." And as Tarquinius Superbus, and after him other Roman autocrats, endeavored to suppress the "*Collegia opificum*," so did nearly all earlier Germanic emperors and princes, together with their barons, try their best to suppress the guilds, which were older than they with their law. Charlemagne, in an edict of 779, forbade the *Gildoniæ*, and punished guild-membership with nose-splitting, scourging, death, banishment, and kindred torments. But all the means of this powerful autocrat proved insufficient against the old custom, and after Charlemagne's death, it was mainly the guild that preserved some sort of security at a time when brute force ruled, devastated the empire, and tore asunder its component but heterogeneous parts.

At this period there was hardly a respectable man who did not belong to some fraternity—a phenomenon in the life of Germanic nations which we to-day witness in the United States.

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[1] An abstract of the statutes of the Guild of St. Katharine, Aldersgate, London, will be found in the Appendix.

It would lead too far to extend our history of the political and ecomomic condition of this period. Suffice it to state that in the struggle against the feudal barons the small proprietors were guild-framers; while the rich freemen, very much like the rich manufacturers of our own day, preferred to protect themselves, and the bondmen, being under the protection of the barons, were used like many laborers of our time, equally against the guilds and isolated rich freemen.

II.

THE MERCHANTS' GUILDS.

DURING the tenth and eleventh centuries, the cities grew up from commercial settlements around military points of importance, or near monasteries with hallowed objects drawing thither numerous pilgrims, and from well-situated homes of leading families. Among the merchants who came from civilized nations, tradesmen and mechanics settled, partly free, partly bondmen. The land on which they built their towns belonged mostly to the nobility in the vicinity or was ceded to them by special grants. Owing to the general insecurity of property in the Germanic states, the merchants, much envied for their wealth by the semi-barbarous nobility of the neighborhood, united in the guild form for mutual protection against exterior enemies, as well as for the preservation of order among the recognized constituency of their settlements. In their legislative activity they nowhere appeared to introduce new customs and laws, but they adapted themselves to the established usages, and the merchants' guild became everywhere a strong arm to a weak government in the preservation of order and the prosecution of evil-doers. They had a perfect juridical

system, and controversies among the brethren had to be submitted to the guild for arbitration before they could be brought into the regular courts. At the same time it was considered the first duty of the guild brethren to assist one another in all the dangers and troubles of life. Mishaps to body and property of individual members were borne in common, and if possible indemnified by regular assessments.

Each guild was under the supervision of an alderman and several assistants whom they called stewards. New brethren were admitted upon resolution of the guild in regular session, and strangers could come in only when a guild brother vouched for them. The honor of the individual member was deemed the honor of the corporation. Therefore we find that a spotless life was a condition of membership. An oath bound the brethren.

The wives of members were participants in all the privileges and duties of the guild, but they were not admitted to its deliberations.

Most natural it was that communities governed by good men with sterling qualities prospered in countries generally suffering under feudal arbitrariness. Therefore, quite a considerable population gathered around these protected places, where a healthy export and import trade gave sufficient employment to the skill which had been acquired by many bondmen in their employment at seigniorial castles, and freemen who had been taught various arts in the schools of quiet monks.

The continually increasing influx of these people into the towns changed the office of the guilds considerably. They had to enact laws for the government of trades, and assumed the duties of the police over the subordinated craftsmen, who were, if not in a state of bondage, at least poor and not entitled to participation in guild privileges.

At the same time the merchants' families also increased in number. New-comers and the ramifications of old families, and many cases of intermarriage between the

descendants of patrician families and mechanics, led to the formation of separate guilds, while it was tacitly understood that the "oldest guild" should hold precedence.[1] But the oppressive dominion which the oldest guilds could exert over the younger ones, because they had the municipal power in their hands, soon proved to be unpleasant. The various guilds therefore combated each other, much like the political "rings" of our time, but all were united in their endeavor to keep the laboring population in abject subjugation, with no further rights than to do the work of life.

Of course, commerce and badly remunerated labor of home craftsmen caused an accumulation of immense riches in the guild families, followed by a continually increasing sharpness of the disintegration of the communities into classes, whose dividing lines were birth and wealth.

Riches produced not only idleness among the governing classes, but also a contempt for labor and its votaries. A guild citizen could not be less than a wholesale merchant, and his principal occupation consisted in real estate and municipal transactions. Citizens who were engaged in mechanical or the lower mercantile pursuits were excluded from the guilds, which knew very well how to throw all the burdens of the commonwealth upon their inferiors in rank.[2]

Craftsmen could no longer find justice, and the most stringent laws were enacted[3] against the forming of frater-

[1] As early as the twelfth century the *Richerzeche* and *Schœffen*-fraternity appeared as an aristocratic society for the purpose of holding, against all the other guilds, the government of the City of Cologne in their hands.—*Gierke*, I. 321.

[2] The *mercatores* and *institores* at Strasbourg, as well as the *Richerzeche* at Cologne, appointed wardens or better guardians over the mechanics.—*Gierke*, I. 322.

[3] According to *Bluntschli*, I. 154, it was ordained in Zurich, that nobody should enlist men to form a guild of mechanics, under a fine of banishment for five years, payment of fifty marks, and destruction of his house.

nities among the free and bonded laborers of the period—very much like the coalition laws of the early part of our century. That this engendered a hatred of the laborers against the guild patricians is but too natural, and it is not necessary to penetrate deeply into the history of the civilization of the twelfth, thirteenth, and fourteenth centuries to understand why during hundreds of years but one motive seems to have impelled the mechanics to heroic acts and outbursts of deep hatred—to annihilate the overbearing guild patricians and participate in the municipal government or gain entire control of the same. And animated by the hope of attaining to political equality, the free and bonded mechanics of the eleventh and twelfth centuries gathered around their economical interests, and commenced, like our trades-unions, in the guild form an earnest and fierce struggle against the degenerate patriciate.

But before we fix our attention upon the progress of the industrial corporations of the middle ages, we must adduce some historical notices concerning the merchants' guilds which will verify the above general remarks and lead to a better understanding of the next era of craftsmen's guilds.

In England, merchants' guilds existed in early Anglo-Saxon times. Among the oldest and most prominent are mentioned the Guilds of Dover, of the Thanes of Canterbury, and of the London Merchants. Then come the Guild Merchants of York, the Great Guild of St. John at Beverly,[1] and of the Virgin Mary at Chesterfield. The charter of the latter has been well preserved and confirms everything here stated respecting the nature of guilds. Most important are the Old Usages of Winchester and of Beverly. In the German Empire there were a number of similar guilds in Soest, Fribourg, Lubeck, and Cologne; the city charters were guild constitutions, and it seems as

[1] An abstract of the laws of the Great Guild of St. Johns of Beverly of the Hanshouse will be given in the Appendix.

if the method of incorporating cities, had been derived from the chartering of the guild-citizens.[1]

In Paris the government of municipal affairs was in the hands of the *mercatores aquæ.* The citizens of Mans in France formed a guild in 1070, to overthrow the oppressive government of Godfrey of Mayenne. The inhabitants of Cambrai united in 1076, while their master, the Archbishop, was out of town. They simply closed the city gates on him.

In Holland, the guilds were called *Vroedscapen;* in Schleswig, *Heslagh.* During the eleventh and twelfth centuries there were very few guilds reported from Germany, most likely because neither emperors nor princes tolerated them. But many accounts of later times, speaking of "the oldest guilds," justify the conclusion that they never ceased to exist.

The oldest guild known on the continent is the one of Flensburg in Schleswig. In 1130, King Nicholas of Denmark approached the town with hostile intentions. He was warned of the *Heslagh.* "What have I to fear from tanners and shoemakers?" he proudly asked, and entered the open gates. Then the guild-bell sounded, the gates were closed, the *Heslagh* sprang to arms, and the king was killed with all of his defenders.

Originally, we read everywhere of but one guild in the principal towns; but later on of "the superior guilds"—for example, the celebrated *Richerzechheit* in Cologne, which had seized the municipal government. The old citizens commenced to grow overbearing, which is evident from numerous reports from Spire, Strasbourg, and Frankfort,

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[1] Toulmin Smith remarks ("English Guilds," xxi.): "Corporations, using the word in the sense in which it is applied to towns, etc., in England, had their beginning in the old 'Frith-borh,' or 'Peace-pledge.' The gist of this is, that all the inhabitants of a place are bound to each one, and each to all, *and the whole to the state,* for the maintenance of the public peace. . . . The liability of hundreds, parishes, etc., to certain obligations, is a practical relic of it."

dating from the thirteenth century. In 1219 Frederick II. interdicted all the guilds, with the exception of the coiners' guild of Cologne, and several others. His edict speaks of the excepted guilds as "the highest."

In England there were in early times so-called superior guilds. According to the *Judicia Civitatis Lundoniæ*, several old frith-guilds combined into one, whose charter became that of the city of London. In 1283 various guilds of Berwick united. Article I. of their general constitution says, that "where many bodies are formed side by side in one place, they may become one, and have one will, and in the dealing of one toward another have a strong and hearty love. Therefore, all separate guilds shall be brought to an end," etc. The dissolved bodies had to transfer the corporation property to the one taking their place. Similar unions took place in Denmark and Schleswig. In truth, at this period it was one and the same thing to be guild-brother and citizen.

There are numerous interesting documents in existence pertaining to the struggles among themselves of the different merchants' guilds for dominion over their cities. The patrician families also waged furious feuds against one another. So the Overstolzen and Weissen at Cologne, and the Zornen and Mulnheimer at Strasbourg.[1]

The stories of dissensions among the merchants' guilds abound with evidences of how they despised the laboring people. One passage in a Brussels ordinance, dated 1229, speaks of the workingman as of one "without a hearth,

[1] The excessive abuse of the mechanics caused in 1308, in Strasbourg, a bloody riot. They broke into the merchants' club house and assaulted Claus von Zorn, a patrician, who killed in this fray sixteen mechanics. After this occurrence, the noblemen endeavored to increase the number of their vassals—the *Mund*-men, *i.e.*, freemen bound by the *Mundium*—as a safeguard against further attacks by the mechanics. The Zornen belonged to the Pope's party, and the Mulnheimers to the Emperor's. On May 20, 1332, they had a fight, in which seven of the former and two of the latter family lost their lives.

without honor, who lives by manual labor." It was legal for a guild-member to box a laborer's ears on the street, if he thought himself offended by words or gestures. Then one trade after another was excluded from participation in guild affairs—*i.e.*, the city government, because they were not genteel enough; for example, the London tailors who were also merchants. Hand in hand, with an overbearing behavior toward an important element in their cities, went a continually extending system of extortion, so that many a poor mechanic had to seek the protection of some strong lord—a condition called the *mundium*. The annual cost of such a patronage was, according to a report from Strasbourg, at times three hundred to four hundred quarters of wheat per year.

Finally, in the thirteenth century, the desperate struggle of the mechanics' guilds against the patricians was waged everywhere with more or less success, until toward the close of the fourteenth century it was ended by the general assumption of power on the part of the mechanics.

A report from Magdeburg, in 1301, gives an idea of the cruelties of this struggle. Ten craftsmen's guild-masters were burned in the market-place to propitiate their crime of rising against the old degenerate merchants' guilds. The weavers of Cologne lost a battle against their foes, and on November 21, 1371, thirty-three craftsmen were decapitated, eighteen hundred banished, and their guild hall was burned. Most of them went to Aix-la-Chapelle. This war lasted twenty-seven years, from 1369–96.

But the venomous hatred of the first families was of no avail. The old splendor of the merchant-princes grew gradually dim, and upon the shoulders of the patricians' guild rose in singular grandeur the mechanics' guild, in almost every town on the continent and in England. Of the old frith guild's magnificence, which overawed princes and subdued uncivilized countries, nothing is left, save here and there a "Casino," together with some old guild-funds from which the descendants draw an income.

III.

THE MECHANICS' GUILDS.

I. RISE AND PROGRESS.

THE first inhabitants of ancient European cities consisted of merchants, officials, small tradesmen, and mechanics, who were mostly in a state of bondage. The free craftsmen were, as previously stated, merely subjects of the merchants' guilds, excluded from the privileges of citizenship, but burdened with the most onerous of its duties. Being subjected to the greed of the town-masters, many freemen accepted for extortionate sacrifices the protection of some prominent landowner, which state was called the *mundium*,[1] and resembled very much the old Roman clientship. These freemen came very near relapsing into bondage by inheriting the *mundium*. At the same time there was naturally a continuous influx of trained laborers from the country districts, because the guilds' government and protection afforded at least some kind of peace and cause for hope. But the new-comers increased the troubles of the older free inhabitants. Their competition endangered the safety of the scant incomes of the oppressed freemen.

So the mechanics took everywhere to the old and well-tried Germanic means against government oppression and the scattering of earnings by unlimited competition: the mechanics' guilds—*Zünfte*—were formed, and they proved to be the proper means for the protection of industry in general, for the determination of right and wrong

[1] Men bound by the *mundium* had to follow their lords, mostly what we would call capitalists, to the wars. One rich burgher at Ratisbon, Frederic Auer, used to appear in church followed by forty clients.—*Gierke*, Deutsches Genossenschaftsrecht, i. 322.

in the workshops, and a reliable institution against the growth of pauperism in industrial centres.

The mechanics' guilds were started as voluntary fraternities with the above aims. But it was soon found that the best endeavors of the guilds were continually frustrated where men could carry on trade without submission to guild laws. For then as now there were many mechanics ever ready to slight promises made to their craft in voluntary union, if personal advantage could be derived from it.

The first aim of the rising mechanics was, naturally, to obtain *the recognition of the government and its protection and assistance in the execution of guild ordinances.*

In the struggles of the laboring classes to gain these ends, the London weavers took the lead, because they had the most powerful and influential trade organization. They as well as the Oxford weavers obtained their charters under Henry I. During the reign of Henry II. the weavers' guilds of Nottingham, Huntingdon, Lincoln, and Winchester were incorporated.

In the eleventh century, on the continent, the weavers of Cologne and Strasbourg rose into prominence. Those of Mayence came forward in 1099, and of Worms in 1114, long after the weavers in the prosperous towns of Flanders and Brabant had their constitutions. In 1149 the pillow-case-makers of the above cities obtained their charter.

The privileges of the mechanics' guilds consisted mostly in the right to exclude non-enrolled tradesmen and their goods from the markets. They did not obtain such privileges gratuitously, but were obliged to pay a tribute for their franchise. Henry II. once withdrew the charters of eighteen guilds on account of their failure to pay the tax.

The patricians who held the reins of municipal government in their guilds viewed the development of the craftsmen with an envious eye, and considered every privilege accorded to them an invasion of positive traditional rights. They were accustomed to pass all the ordinances regulat-

ing city life, and had to relinquish one branch of their dominion after another to the much-despised mechanics, who very soon comprehended that they could not hope for a peaceful development of industry as long as they were subjected to the endless annoyances of their selfish superiors. These, having the machinery of city-government and the accumulated wealth of centuries at their disposal, were in every way strong and powerful enemies. Hence the next task of the laboring class proved to be *a desperate struggle for corporate equality in the governmental councils of their municipalities.*

The first step in this direction was the endeavor of the guilds to elect their own officers. In England this right was rarely contested. But in Germany the guild-masters were appointed by and under orders of the government. At Basle, the bishop appointed them; but in 1260 the tailors were permitted to elect their own officers. In 1157 Archbishop Wichman, of Magdeburg, granted this privilege of his own accord. In Paris it was the provost who appointed guild-masters.

But not many officials met the mechanics encouragingly. Most of the merchants' guilds carried on a remorseless war which lasted almost two centuries, marked by deeds of barbarous cruelty, which it is not our task to relate. Emperors, kings, and feudal lords sided at times with the mechanics, at times with the patricians, as the advantages of the moment would dictate.

The struggle in England was stubborn, but it had not so fierce a character. As early as during the reign of Edward II. the city council of London ordained that no man should be admitted to the liberties of the city unless he was a member of one of the trades or "mysteries."

The 36th Edward III. states that the merchants "who engrossed all manner of merchandize vendible," suddenly raised the prices among themselves in their own society. Therefore, the 37th Edward III. decreed "that all artificers and people of mysteries shall chose their own mystery, and use henceforth no other."

2. THE MECHANICS COME TO POWER.

The final victory of the mechanics is best signalized by the 49th Edward III., according to which the right of electing officers for the city of London and members of Parliament was taken from the ward representatives—that is, the property-holders—and placed into the hands of the "trading companies," which were called "The Twelve Great Livery Companies,"[1] on account of the uniforms which they wore on festive occasions.

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[1] "The chartering of the guilds by Edward III. was not that monarch's only favor to them. Having found that these fraternities were the mainspring of the trade of the kingdom, and having thus given them stability, he determined also to raise them in public estimation. As this could not be better done than by setting an example which would be followed by his courtiers, he became himself a brother of one of these societies. . . . The skinners, the mercers, and the merchant tailors exhibit the most princes and nobility in their lists near this (Richard II.'s) time; the grocers toward the close of Edward III.'s reign enumerated no less than sixteen aldermen among their members. The merchant tailors' printed list of eminent members enumerates only two earls and one bishop in the reign of Edward III.; but in the reign of Richard II. they had no less than four royal dukes, ten earls, ten barons, and five bishops. . . . In the 49th Edward III. an enactment passed the whole assembly and commonalty of the city of London, by which the right of election of *all the city dignitaries and officers*, including *members of Parliament*, was transferred from the ward representatives to the trading companies; a few members of which were directed to be selected by the masters and wardens to come to the guild hall for election purpose; and in them it has continued to the present time; only that, by a subsequent act of the Common Council, it was opened to *all* the liverymen of companies generally; and that right, which indeed without such sanction had no legal authority, was finally confirmed to such liverymen as being freemen of the corporation of London, by the 11th George I. c. 18. The livery's exclusive right is taken away, after a certain period, by the late Reform act, which restores the elective franchise to the freemen of London, and further extends it to the inhabitant householders."—*Herbert*, "History of the Great Livery Companies," i. 28, 32.

Thereupon every trade presented its articles for incorporation. The king himself became a member of the linen-armorers' corporation, and noblemen as well as patricians entered the ranks of the once despised craft guilds. About the same time the mechanics were victorious in almost every town on the continent.

Thus the guilds became the law-making power. They were the recognized organs of self-government in their capacity as political elective bodies for the city administration, also official organs of the commonwealth for the satisfaction of all its wants, and proved to be the most effective religious, social, and moral safeguard of its members.

In short, the guild was a small state in itself: through its meetings the citizens took part in the city government; all public affairs as well as those of the trade were talked over in the guild meetings. Taxes and assessments were determined and military undertakings resolved upon.

The guild-hall was the armory; the guild-masters with their journeymen and apprentices formed the militia. Regular inspection of arms, ammunitions, and provision was considered as important as the examination of tools, workshops, and goods. The guild was ever ready, sometimes but too froward, to "fall in," when princes and bishops approached their towns with hostile intentions. A coward in the fray could have no peace in the workshop.

But the guild was also a religious body. Each had a patron saint around whose image the members knelt in prayer and devotion. The noblest deeds of Christian charity were resolved upon at these common prayers.

In close connection with the religious were the social purposes of the guilds. A common meal united the members and their wives at stated periods. The "socials" were ruled by well-conceived ceremonials. Manners were softened and the dry affairs of every-day life idealized by significative songs and sayings. The celebrated master-

singers of Germany in the middle ages had their origin in these socials.

But the guild was still more than all this. It was a guardian of the morality of its members. Idleness, late hours, drinking, gambling, and licentiousness were not only strictly forbidden, but every member saw to it that his brother kept "honest." For all had a great interest in these things. When in need, they had to support one another; every guild treasury was a provident, sick, poor, and burial fund.

The guild was also a competent court[1] not only to decide on questions arising from relations in the workshop, but also to control the manufacture and sale of commodities in general. As a duty corresponding with its great privileges, it had to prevent adulteration and overcharge. The competence of guild courts was different in almost every town, but as a rule the guild officers had to examine workshops, tools, raw material and manufactured articles, with the privilege to forbid fraudulent practices. The guild court had to examine every complaint of customers who thought themselves wronged; and if the guild failed to redress a proved wrong, the state usually withdrew its charter or fined the reluctant corporation. For it should be clearly understood that the mechanics in no case enjoyed full autonomy in political and economical affairs. Their guilds were always more or less restrained by the commonwealth or the state officials. Yet in all matters concerning civil society, the mechanics became, through their corporate customs, a source of law as well as the moulders of business and social habits.

[1] In the Appendix will be found an abstract of the statutes of the Exeter Tailors' Guild, together with some ordinances showing how the guild guarded not only the interests of its members, but also those of the public. A candid reader will readily perceive the advantage of the old English system of adjudicating in petty cases over the present mode of appointing experts. The guild was also, by its maximal and minimal rates for mechanical work, a better protector of customers, than the present contract system, based on estimates.

The general economical idea of the order of business of the fourteenth century was, that by a thorough organization among all concerned in industrial pursuits, a reliable income, conformable to the rank of each member, would be secured, through political independence of their industrial corporations. For this end, the guilds determined the scope of personal liberty of their members, and claimed at times extraordinary sacrifices. And as there was no power over the guilds, which regulated the degree of the corporations' dominion over individuals, this prerogative was naturally much abused.

Thus it became in the course of years the generally acknowledged aim of the mechanics' guild to equalize the differences between rich and poor. Individuals were to a considerable degree restricted in their productiveness. The wholesale manufacture of goods was more and more limited, and the use of capital as a separate source of income was almost prevented. While the earlier guilds endeavored merely to equalize the costs of production by procuring their raw material at wholesale rates on joint accounts and justly dividing the markets among all concerned, they strove in later times to prevent the use of all the advantages which a man with inventive faculties and keen wits might devise. Indeed, the idea suggests itself that in the absolute autonomy of the guild over its members lay the first causes of its decline.

An interesting document, illustrating the foregoing remarks, is an edict of the Emperor Sigismund, dated 1434. After enumerating several complaints, that there were too many people who pursued more than one business at a time, the emperor says in his "Secular Reformation": "And will you hear the emperors' law? Our forefathers were no fools. The guilds were founded that every one should have his bread undisturbed, and none from other guilds should interfere with him. By these means, the world can be freed from misery, and every one can find food. If one be a wine-man, he shall be this and nothing

else . . . . And the cities are hereby ordained, by a fine of forty marks in gold, to see to it that none have more than one business."

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3. RISE OF THE PRESENT LABORING CLASS.

It should also be distinctly understood that the old mechanics' guilds nowhere did solve what we call "the labor question." There simply was no laboring class in the present acceptation of the word. The trade consisted of guild officers, full members and protégés, masters with their journeymen and apprentices. They all had a common purpose, which is apparent from the beautiful words which we find at the beginning of many guild laws: "To bear in common joy and grief, with the city and wherever it may be needed." By the very nature of the industrial organization, each apprentice and journeyman had good reason to view his position as merely transitory —a stepping-stone to a higher rank, which was sure to every one. There was perhaps only the wool-weavers' and stone-masons' guilds which had laborers in the present sense of the word, and they arranged their relationship in the general spirit of justice to all.

On the contrary, it must be asserted that the guilds of the fourteenth and fifteenth centuries by their very nature begot our "labor question," with all its peculiar phenomena, as will be apparent from a further examination.

The careful nursing of the skill and morality of all the guild-members—and all mechanics had to be such —caused commerce and industry to prosper in a manner only equaled by the progress that followed the introduction of our present technical perfections. The number of guilds increased likewise. London, for example, had two tanners' and Cologne four weavers' unions. Then the guilds of various towns united, like our trades-unions, and formed well-organized bodies, with perfect intercommuni-

cation throughout the land. In 1396 the Cologne weavers' guilds united. The charter of the Schweidnitz tailors speaks of an alliance extending over twenty-five Silesian cities. During the fourteenth century the iron-workers of Germany had four great unions, with their respective head-quarters. The grandest labor union was that of the masons. Dölninger, the architect of the Strasbourg Cathedral, founded the first lodge in 1452, and wrote a book containing the old usages of the masons.[1] Ratisbon followed in 1454; later on Strasbourg, Cologne, and Zurich are mentioned as chief towns, all under the jurisdiction of Strasbourg. The Emperor Mathias, in 1613, raised the grand-master of the masons to the position of chief of the building trade in Germany. Even during the eighteenth century, the Rostock lodge used to send tokens of dependence to the one at Strasbourg, and as late as 1789 the Vienna lodge exercised the privilege of a jurisdiction in its districts.

The same amalgamation of corporate bodies into one, extending over the whole country, we also meet in England, and most trades of any consequence enjoyed such extensive connections, in comparison with which those of our trades-unions appear only as weak and loose bodies.

But with the grandeur of the English and German industry the guilds seem also to have arrived at their turning-point. The increase of commerce and trade taught the guild-masters that their privileges might be turned into gold-mines. They began to delay the journeymen from soon entering the ranks as masters by instituting the traveling years and the so-called *Muth*-years. These were at times very long years of waiting for permission to settle in business, after the applicant had passed exami-

[1] The architectural monuments of Europe bear witness to the great influence the old masonic lodges exercised upon the intellectual and technical capacities of their members. It is, besides, beyond doubt that the masonic organization of 1452 is the real foundation of the present order of Freemasons.—*Gierke*, i. 409.

nation satisfactorily and paid all the exorbitant fees. They increased the apprenticeship fees;[1] required candidates to pay for costly suppers, furnish expensive master-pieces,[2] and whatever else may have been the means for preventing journeymen from becoming masters. These tricks, continued systematically through centuries, resulted in the monopolizing of the trades by the old families, because, together with an increasing stringency toward outsiders, the masters allowed their children the greatest latitude. Thus, as early as 1300, the shoemakers' privileges in Bremen were bequeathed to sons and daughters. In 1308 every person not born of parents in the trade had to show a fortune of eight marks. The admission of usurers in the weavers' guild at Tournay was officially forbidden in 1365. Then, as before in the merchants' guilds, rich trades separated from poor ones; as shoemakers from cobblers, and tanners from shoemakers. In England we hear of "liverymen" as rich guild-masters, and of "freemen" as mere householders. In 1434 the Emperor Sigismund complained bitterly of the corruption in the guilds, and especially the abuse of selling their privileges. Charles V. forbade the guilds altogether; their documents were to be delivered to the authorities, and severe fines were to be imposed upon contraveners.

Under Henry IV. and Henry VI. it was declared in Parliament, that the guilds abused their privileges to the detriment of the people; the 15th Henry VI. c. 6, 7, con-

[1] A man by the name of Stow writes in 1720: "It was a great matter in former times to give £10 to have a youth apprentice; but in King James I.'s time, they gave £20, £40, and £60, and sometimes £100 with an apprentice. But now the prices are vastly enhanced to £500, £600 or £800."

[2] Apprentices who had faithfully served their time, and journeymen who desired to become masters, had to make a specimen-piece of whatever their calling was—for example, the shoemaker a pair of boots, etc. This piece of work was examined by the masters, whereupon they declared the applicant either worthy or unworthy of the desired advance.

tains the important order, that from that time forward all guild ordinances had to be submitted to the justices of the peace.

Thus the rise of industry in general; the greed and monopolizing tendencies of the masters who ruled in the trades; but, more so, the special wants connected with the traveling duty of journeymen, such as an inn with a labor-bureau, for each separate trade in every city: gave the impulse to the formation of separate journeymen organizations with interests of their own not always in harmony with those of the masters. In 1350 the London tailors' guild petitioned Parliament for help against the exorbitant demands of their journeymen. Strikes became more and more frequent, so much so that the London weavers instituted in 1362 a court of arbitration. The 34th Edward III. c. 9, and 3d Henry VI. c. 10, were directed against strikes in the building trades.

The resistance against separate journeymen's unions grew more and more violent, but had the natural result of a more thorough organization among them everywhere. In 1403 the bakers of Copenhagen and in 1481 those of Hamburg formed strong unions.

In London the first hostile steps were taken against the journeymen. A proclamation of 1383 denied to journeymen the right to meet. In 1387 three ropemakers combined with a monk to form a union under the Pope's protection. All of them were struck down and put into Newgate prison. Later on, the laborers tried to form unions under the name of friendly societies; as the London saddlers in 1396 and the tailors in 1415. But the guilds were strong enough to enforce the suppression of "religious" or "benevolent" workingmen's associations. A petition, sent to Parliament in 1417, for permission to laborers to nurse their sick and bury their dead, was not answered.

In 1475, the journeymen tinners of Nuremberg succeeded in a stubborn strike, but they also drove their business

from that city. The journeymen printers of London organized October 23, 1666, and petitioned in strong language against the introduction of foreigners, supernumerary apprentices, and uncalled-for turn-overs. In a word, the "labor question" loomed up in every trade, and strikes followed one another so rapidly that in England Parliament placed the journeymen under direct control of the guilds, and decreed most stringent laws regulating the relations between "capital and labor."

After this a time of rest and apparent satisfaction to all concerned seemed to follow, yet the corruption of the master guilds increased to such an extent that Lord Bacon called them "fraternities in evil;" and from Germany, the economist Kreitmeyr reports that "the dogs had not so many fleas as the guilds abuses."

Therefore the 19th Henry VIII. c. 7 is directed against the further passage of guild ordinances. But the masters did not care much for this, and again increased the apprenticeship fees. The 22d Henry VIII. c. 40 fixed these fees in 1530, and the same monarch forbade in his 28th act the abominable abuse of taking an oath from apprentices, never to settle in business without consent of the guild-masters.

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4. DECLINE AND FALL OF GUILD RULE.

The steps taken by princes and legislatures to repress the arrogance of the masters seemed to be of no avail. They always found new modes to fortify themselves in their monopolies. Therefore Henry VIII. tried a new experiment against the masters. He called foreign tradesmen into the country and put many skilful workers, who were, especially in France, banished on account of their faith, under his protection, exempting them from all guild regulations. This might have been a good expedient against the monopolizing masters, but the next result

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was that the English laborers, embittered by the oppressions of unjust laws and greedy masters, and not finding protection against competition, rose in the first laborers' riot of the Christian era on Evil May-day, 1517, after which more uprisings followed, especially in 1586.

Finally the privileges of the guilds were turned into marketable articles, to such an extent that James I. saw fit to withdraw from the guilds the right to elect their own officers. The franchise was placed into the hands of the so-called Courts of Assistants. Thenceforth guild members were questioned no more about the laws in their trades, and all guild affairs were regulated by those favored at court.

The first attempts toward the total abolition of the mechanics' guilds were made in 1614. Though the journeymen had to suffer as much as the public from the presumption of the masters, yet they were not in favor of doing away with the old orders, because these secured a great many real benefits, which consisted mainly in steadiness of employment and tolerably good wages, through the system of long terms of labor and the strict adherence, especially of the English people, to the old apprenticeship laws, as we find them expressed in the celebrated 5th Eliz. c. 4. The journeymen were rather inclined to reform the guilds, which, in truth, proved to be a vain endeavor. Yet the laborers went about it in real earnest, which is proved by numberless strikes in the seventeenth century, of a fiercer nature than those of our own age. But we read of very few concerning wages, for most were directed against some innovation or abuse of the masters; the preservation of the "honor of the craft" seemed to fill the laborer's soul.

During the same period, the princes were in all countries striving to attain to absolutism, but the nobility resisted centralization of power. The rulers were always in need of money to carry on their warfare against obstinate barons. What better source of revenue could they find than in the rich guild-masters, who were ever ready

to give money to their princes, if they had but a slight hope thereby, either to avert a threatened limitation of or even to increase their monopolies? Henry VIII., Edward VI., Elizabeth, James, and Charles, all mulcted the guilds in various ways, and at one time Henry VIII. confiscated the whole of the London corporation property, giving the masters an opportunity to buy it in again, for the sum of 18,700 pounds.

The mechanics' who frowningly rose in arms for the assertion of their inalienable rights, compelled secular and episcopal princes to plead for peace—the contemptible usurers with workingmen's franchises received from their lords only well-deserved kicks!

But, however much the potentates drained from the guilds, and however villainous and narrow-minded the masters as a class became, nothing could bring their rule to an end. Being at last what a weak and sickly body is to a still vigorous passion, the guild had to die a natural death.

The rich master-families themselves were hindered by the old usages in the full employment of the enormous capital which had accumulated in their possession. By its means they had first ruled in their corporations, then in the municipalities, and now they aspired to dominion in the state. The everlasting desire for money on the part of the rulers clearly marked out the road by which to reach this goal, and the masters were not slow in taking it.

At the same time, the great revolution in the technics of industry began. Machine after machine was invented. Prosperous colonies promised vigorous markets. Industry prepared itself to change from one supplying only domestic requisites into an engine for creating new wants in foreign climes. To supply the world with commodities, more laborers had to be employed than the old apprentice laws of England could produce. The long term of service, promoting the welfare of all parties in industry at a

time when they worked for home use, began to be a hindrance, because the great markets of the world were subject to all sorts of disturbances, creating slackness and business crises. It became a necessity at times to employ laborers in masses who could be discharged at pleasure. When division of labor had not been carried out in all of its ramifications, the places of industry were near their markets. The increasing systematization caused factory-owners in search of places to build workshops to look for productive advantages far from cities among people with rural pursuits. This made it necessary to import skilful laborers and to take the farming population into the ranks, thereby changing the residence and modes of life of thousands at the manufacturers' pleasure. In the competition with foreign markets, it was frequently necessary to work very cheap; this required permission to introduce "hands," whose support did not cost much, such as women and children. The old wage taxes hindered this: they had to fall, and the privilege—some call it personal liberty—had to be granted to find cheap labor abroad or to cause home laborers to become cheap.

The working hours, fixed by guild-ordinances with humane views, hindered the rapid reproduction of capital invested in machines; therefore the lengthening of the day was desirable.

But more than all this, it was the necessity of being not only a capitalist, but also a *master*, to find a foothold in industry, which caused the downfall of the old orders. The leading industrial families, having multiplied themselves with every generation, were well supplied with capital, while the gold-mine — guild-membership—could be the inheritance of but one branch. The others, having through their wealth found admission to the higher stations of life, which broadened their views, may have caught an idea of what could be done if the narrow circuit of the guild were overridden.

How plain people may have felt in regard to the vital questions moving every heart at that time, can be best understood by imagining what it meant for persons of common-sense to countenance the act of guild-masters in tearing a poor French shoemaker from his wife and children, and sending him for five years to the galleys, simply because he was found hidden in a village-barn, mending shoes against guild-ordinances. The civilized countries of Europe, and especially Germany, were turned into hunting-grounds for "rats" (*Bönhasen*). Every man was the spy of his neighbor: whether a man ate or drank, worked or loafed, bought or sold, according to corporation rules, were questions the answering of which seemed a life-task to every conservative citizen.

In France, the restaurant-keepers and butchers were twenty years at law with each other, to settle the question as to who had the right of selling poultry. In Paris, three thousand judgments were obtained in law-cases between the tailors and dealers in second-hand clothing, to determine the difference between old and new garments. In the middle of the eighteenth century, the Paris trade corporations expended about a million of francs yearly in litigations of this trifling nature. A similar unproductive expense amounted in Prussia to about one *thaler* for every inhabitant of the kingdom.

Meanwhile, the number of persons who were not in industrial "rings," to which the journeymen associations had also degenerated, increased in threatening proportions.[1] The unhappy proletarians[2] sought for bread, but every door leading to its honest acquisition was barred

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[1] Malthus' "Principle of Population" was written when this condition of European society had reached its climax.

[2] *Proletarian* is derived from *proles*, a Latin word meaning *offspring*. In the classification of Roman citizens, by King Servius Tullius, the term *proletarii* was applied to citizens of the lowest class, because they were of service to the state only through their offsprings.

by jealous masters or journeymen rings. Hence the number of persons who had to be supported by the parishes, according to the old English poor-laws, increased most alarmingly.

Then, at the close of the eighteenth century, rich and poor joined hands to remove the old laws, which seemed hateful to both; and the gospel of industrial liberty, as written by Adam Smith, in his book "The Wealth of Nations," especially in Chapter X., Part II., "On the Inequalities occasioned by the Policy of Europe," was really a joyful message promising good-will among men.

The economists of Adam Smith's school taught that God had given to men wants, but also strength to satisfy them by labor; to limit a man in the exercise of his energies constituted, therefore, an offence against God's own laws. The right to work was the holiest of all the inalienable privileges of man, because want was nature's own dictate to work. The trade corporations had stunted men's energies. Under the legislation proceeding in the old spirit, the lower classes would never be able to rise above abject poverty; besides, the legislative power was altogether in the hands of the privileged classes. Apprenticeship laws meant nothing more than taking advantage of the unprotected, and in preventing many from becoming independent, the laws legalized a system of robbery, the victims of which were those whose sole fortune consisted in skilful hands and willing hearts.

The law's alleged provident care for individual weal was only a simulation. The poor laws were an evil. The parishes should no longer support the helpless. If the state would but abolish the trade-corporations, then the poor would no longer be destitute. But if any one, after removal of all legal obstacles, could not earn his own bread, he should be treated like a shameless criminal, not worthy of public regard ; hence the acceptance of alms should be made to appear contemptible, and, indeed, prison-like poorhouses were built everywhere.

Self-interest would teach every one what would be best for him. This force was alike in all human nature. If the state would but remove the laws which hindered its sway, then this natural power—egotism—acting in the economical world like the law of gravity in the physical, would smooth all the troubles of the social body and create harmony all around. Self-interest would drive each man to the full exertion of all his faculties, and for this reason create the greatest amount of happiness for the individual and society at large.

Could it be otherwise than that this doctrine should rapidly penetrate all the classes of civilized nations, and that the old forms of social life crumbled before it? Liberty to all; release from an onerous, paralyzing yoke; wealth and happiness to the downtrodden and abused; engines, smoking chimneys, and the gold of the world to the masters!

Then the statesmen of England and Germany went to work to incorporate the new ideas of personal liberty and equality in the codes of their states. In France, the storm of August 4, 1789, tore down the rickety old structure of corporate government in trade; Prussia declared partial freedom of trade November 2, 1810; the apprenticeship law of England was repealed in 1814. The last remnants of corporate order in trade fell in Germany by the adoption of the North German Industrial Code in 1869, and Austria was freed April 7, 1870.

IV.

THE MODERN TRADES-UNION.

SOME able English writers aver that the modern trades-unions were but one-sided representatives of the old guilds. This assertion is based upon the hypothesis that during the great industrial revolution following upon the utilization of steam power, the masters left the guilds, thus making the trades-unions the heirs of the old organizations. Other economists have set up different theories concerning the nature of the trades-unions. Some denounce them on the ground that they are representatives of a middle-age despotism; others are exalted with the idea that it has its roots, like the people itself, in the past and enjoys a hallowing tradition.

Certain is it that the conservative spirit of solidarity, which impelled the ancient bondmen and heroic craftsmen of past times, has again appeared in the modern trades-union. The English people of the simplest class perceived that their government had fallen into the hands of a class of men who went to work arbitrarily to remodel the live organism of society, to the detriment of the laborers. The working classes protested against this summary proceeding by all the legal means at their disposal; but they were not even listened to, and took for this reason the law of self-defense into their own hard hands, until the modern state recognized, in a new form, their just claim to protection, which had been granted to "the people of the poorer sorte" in the business customs of England based upon the celebrated apprenticeship law, the 5th Elizabeth c. 4, promulgated in 1562.

According to the stipulations of this law, which may be called a codification of the usages established by the

old guilds, every man intending to carry on business had to serve an apprenticeship of seven years. A small fee was required. Masters with three apprentices had to keep one journeyman, and an additional one for every boy above that number. No master could hire a journeyman for a shorter period than one year. Dismissal had to be preceded by a three months' notice. The time of labor was fixed at twelve hours in summer, and in winter no lamps were lit. Wages were adjusted by the magistrates, who were empowered to settle all disputes arising from questions under this law.

The apprenticeship law states that its purpose was to secure to the hired person sufficient means of subsistence, in times of abundance as well as in periods of need. The means to this salutary end consisted mainly in the establishment of a normal day of labor, the protection against over-competition by stringent rules as to the numbers of apprentices employed, and the settlement of the wage-question by disinterested parties, as well as security against arbitrary dismissal. Yet it is to be mentioned, that this law contained several onerous stipulations which caused, during the two hundred years of its existence, many just complaints. Rising capitalists found themselves hindered in their endeavors to supply the markets of the world by the application of new inventions. But they got over the main difficulty by obtaining parliamentary sanction to a decision, according to which the 5th Elizabeth c. 4 was only applicable to trades and towns which had existed with corporate rights before the year 1562.[1] The consequence of this sophistical interpretation was that the capitalists started their factories at such places as were exempted from the law; and in some branches of industry the old laws had no weight whatsoever, while in others the workingmen clung to the statute the more convul-

[1] Adam Smith, Wealth of Nations, i. c. x. 2.

sively the more their employers disregarded it. For in the aggressions of industry upon the wonted protection of the state, this law with all its defects proved to be the last straw which the workingmen could grasp to save them from being drowned in the flood of innovations.

The weavers' trade in England was working under the 5th Elizabeth c. 4. But according to a parliamentary report of 1757, the custom of fixing wages by magistrates had fallen into disuse among them since about 1720. Then the masters commenced slowly to reduce wages, and especially to pay in goods instead of money. This unwarranted innovation led to coalitions of journeymen, which caused, in 1725, the 12th George I. c. 34, forbidding combinations and renewing the custom of fixing wages by law. The journeymen petitioned their magistrates to act accordingly; the masters did also, and their main argument was then as now: "Industry will be driven from the country if the state interfere in favor of its working class." The authorities declined to act, and the journeymen grew riotous. After damaging property to the amount of about £30,000, order was re-established by an agreement between the contending parties.

The first news of a lasting trades-union comes through a parliamentary report of 1794. It was started after a master had first imported a number of workingmen and then suddenly discharged them, because he had bought machinery to do their work. This union comprised almost every journeyman-weaver and did charitable work among its members, like our present benevolent trade societies.

Clearer are the reports from Leeds, dated 1806. There were about 3500 small masters, who, although hardly knowing anything about the 5th Elizabeth, yet worked according to the law in such harmony with their workingmen, that the relation of it, in our days, seems idyllic —much like a fable. In Harmley, a weavers' village of about five thousand inhabitants, there were in 1806 ninety-

seven apprentices fully bound for seven years. Every master employed about ten to twelve workingmen; women were not excluded.

The laborers lived mostly with their masters, but frequently they took their work home, where their wives assisted them. If business was dull, the masters would not discharge their men, but let them work on stock; thus there was great steadiness in employment. Masters considered it their duty to keep their laborers in times of need, and as they hardly ever worked to order, but always on stock, this did not cause much difficulty.

The finished pieces of cloth were taken to Leeds, Bradford, Halifax, and Huddersfield. There were clothes halls for the sale of the products in the vicinity, which were under the control of trustees elected by the masters living in that neigborhood, whose duty it was to superintend the trade in general. No weaver could sell goods in these halls if he was found not to work according to the statute. The first change in this condition was occasioned by the invention of machinery. Public mills were started in the neighborhood, to which the masters brought their goods to have a part of the work done. This made some laborers superfluous. Not long afterward, merchants began to buy raw material and to have it manufactured by various sets of "hands," dividing the labor. By and by, large factories superseded the home manufacture, which led to many changes in the trade. Apprentices were no longer indentured, laborers were employed who knew nothing of the trade, and women and children began to crowd around the weaving machines. In 1796, the trustees of the clothes halls at Leeds admitted all persons who had been five years in connection with the business. Soon after, even this qualification was no longer demanded.

All these events left the old weavers breadless, and they formed in 1796, at Halifax, the so-called Institution, the first fully organized trades-union. They called a

meeting September 24, 1802, to legally prosecute masters for their infringement of the statute, the 5th Elizabeth c. 4, and they obtained judgment against several of them.

Thereupon the masters began to petition Parliament for the removal of the old statutes, stating that if the laws were carried out, masses of laborers would lose employment. Then followed a suspension of the apprenticeship laws, first for three and then for five years.

The trustees of the clothes halls took the matter in hand, made counter petitions in favor of the workmen, and prosecuted transgressors, acting in common for masters and journeymen of the Institution. But their exertions were of no avail. The disintegration of the trade continued; and when the Institution supported workmen on strike for higher wages, the masters seceded from it. They appealed, in conjunction with the "rich merchants," for the execution of George III.'s coalition laws against the Institution; and although the coalition of masters was also forbidden, Parliament found it quite right that the masters should combine to subdue the laborers.

After the workingmen saw that the state was in every way against them; that all legal modes for obtaining redress were of no avail; that their petitions to Parliament were slighted—then commenced the so-called trade outrages. Factories were burnt, laborers intimidated, and so forth.

But though the exasperation of the workingmen was intense, the Institution discontinued all its efforts, until at Christmas, 1805, the trustees of the clothes halls again took their cause in hand. They at once delivered their accumulated funds into the hands of their legal representatives, who seemed disposed to protect the laborers' interests.

The matter was again brought before a parliamentary committee, whose reports speak of "poor, deluded workingmen," who, if they keep up the Institution, "will surely

increase wages all around, which will drive industry away." One member of this commission actually stated, in 1806, that "the trades-union would eventually enable laborers to determine the price of labor." Upon these arguments, the apprenticeship laws were finally abrogated for the weavers' trade; and since then the disturbances caused by the workingmen united in their Institution or "friendly society" continued in spite of the most vigorous enforcement of the coalition laws.

Among the hatters a trades-union had existed since 1772, called the Congress. This was formed because the masters employed the so-called "sweaters" or "little masters," who took raw material from large manufacturers and had it worked up by apprentices, which impoverished many laborers who had served their time according to law. In 1777, the masters appealed to Parliament for the suppression of the "Congress," and were successful.

Earlier, and under similar circumstances, the shipwrights had formed a union. A law of 1720 forbade the tailors to combine, hence they also must have been organized at this early date. In the stocking-makers' trade were about 1710 masters who employed ten boys to one man; a story is told of one master who employed for thirty years twenty-five boys to one man. The journeymen united to invoke legal help against these abuses; they were entitled to redress under the 5th Elizabeth, yet the authorities denied them assistance. Then a riot broke out; about one hundred frames were destroyed, the cheap hands—as usual, weak boys and women—were assaulted, and a system of intimidation was inaugurated, which caused the masters to promise that henceforth they would abide by the law, and peace was restored. But this promise was not kept; masters took boys from the parish poor-houses in unlimited numbers, only to dismiss them after having served their time. Then they became tramps, endangering the peace everywhere, be-

cause there was no work for them. In 1727, a law was passed which made the breaking of a frame a capital crime, punishable with death. About 1750, an unauthenticated report states that in workshops there was seldom more than one coat, and a man by the name of Moss refused to employ a laborer because he had a coat, thinking that there must be something wrong about him.

Another abuse in the trade consisted in the reletting of frames, for which the masters demanded rent, no matter whether their laborers were employed or not. The workingmen, having appealed in vain to the government for protection, finally formed the "Stocking-makers' Protective Society," which grew so quickly, that as early as 1778 it elected the parliamentary representative of the district. The society petitioned the House of Commons in that year for a law to fix wages, and declared that its members could not support themselves, although the trade was in a flourishing condition. A commission ascertained that the average wages were six shillings a week and that many masters hired out frames, giving no work, merely to get an extortionate rent amounting to eighty per cent on their capital. Yet Parliament refused to act.

Another petition followed, and another report verified the worst statements. In May, 1779, Lord Carrington brought up a bill to regulate the stocking-makers' trade, making a speech in which he stated that the bill was saturated with the tears of the poor, unhappy stocking-knitting families. But the masters said "for several reasons the bill would prove *to be a disadvantage to manufacturers and wholesale dealers*," and action was refused by 52 against 18 votes.

As a consequence, great excitement followed; more than three hundred frames were destroyed, houses burned, persons beaten, and the world cried out against the tramps. A man was brought up for having committed arson, and dismissed because the people sympathized

with the unhappy workingmen. Then the masters again promised reform; but of what account promises of this kind are, may be inferred from a story that in 1810 there were at Hinchly two masters who had together one hundred apprentices, mostly from the poor-houses. Of course the whole country was kept in continuous disorder by men who were dismissed and could not help becoming tramps, because fresh boys took their work away. Finally, in 1814, the better workmen of the trade formed a permanent union, which has endeavored, since that time by all means to improve the condition of its members.

The cutlers organized in 1790, under similar conditions. On April 3, 1792, they formed a benevolent fund. The calico-printers followed about 1800. They instituted regular assessments to defray the expenses of supporting their sick and poor, and were also the first who required unknown workingmen, when they applied for work in a shop, to first consult the laborers who were in employ. The condition of the calico-printers was as bad as can be imagined; hence their union applied, through Sheridan, to Parliament for the passage of a law limiting the number of apprentices. During the discussion of this bill, Sir Robert Peel (senior) said,[1] in the name of the masters, that many capitalists would leave the country if this petition were listened to; that they would go where their property was better protected and trade was free from re-

[1] From these and similar quotations, it is evident that the employers' stock of arguments has not particularly increased during the past hundred years, although many men of science have been busy to find reasons why the dominion of money in human affairs should be considered morally just, politically correct, philosophically natural, therefore most wise; and that religion had absolutely nothing to do with the functions of capital on the human will. This failure of science is most likely due to the deplorable fact that the mysterious law of supply and demand is not written in earthly codes, but has its sway in old Socrates' *νεφελοκοκκυγία* (cloud-gapers' home), a country in which of late many economists abide.

strictions; that no man of property could endure the thought of having laws dictated by his laborers. He himself had a mill crowded with apprentices from the poor-houses. Though Sheridan used every imaginable argument, the bill was defeated. This led to the permanent trade organization among the English calico-printers. But not only the journeymen united; the apprentices' condition became also so bad that, in 1831, they formed a trade society, which aided the journeymen in their efforts to maintain a sufficient standard of wages.

In the silk trade around London, the magistrates had ceased to fix wages since 1773. This led to continually increasing reductions of wages, which were met by an organization of journeymen who incited to strikes of a most violent nature. The trades-unions supported the strikers with means which were collected by a special committee. Their attempts to collect an assessment of two shillings from every employed journeyman led to serious trouble with the masters, which it was the purpose of the celebrated Spitalfields acts to allay. In conformity to these laws the justices of the peace were to adjust the silk-workers' wages and other difficulties in their trade whenever applied to. Masters who reduced wages below the given standards or workingmen who united for an advance were fined, and the money thus collected was applied to a relief fund for sick weavers and their families.

The Spitalfields acts worked so well that they were extended over the whole silk industry. In 1795, general price-lists were agreed upon. These were changed frequently, but always after previous mutual understanding. The publication of the price-lists caused some expenses, which were defrayed by regular assessments. A society of journeymen had to collect the dues and to prosecute transgressors of the Spitalfields acts. This trade-union consisted, in 1803, of eighty-three members. But although it legally pursued only such ends as were found wholesome

to all concerned, the masters petitioned for the repeal of the Spitalfields acts, and accomplished the same in 1824. The reasons adduced were mainly that the acts prevented better workingmen from earning proportionately more than their inferior comrades, and that, by the operation of a wage-tax, the standard of men was reduced.[1]

It is almost impossible, and also for present purposes useless, to relate the growth of trades-unions in all the other branches of industry. The circumstances were everywhere almost identical. Factory owners, the quicker to increase their incomes, transgressed either the 5th Elizabeth or the established customs of the people. The latter appealed to Parliament, or whoever seemed to have authority in the matter, through societies which had at first no further aim than to seek legal redress for only too just grievances. But the workingmen were forsaken by every one; the courts and Parliament turned aside from them; the masters and new hands abused and derided them in the shops, because the defenders of their starvation wages were not on the side of economical progress, the thought of which extending into the infinite made sober heads reel and warm hearts cold as ice. That iron idol, the machine, tore women from the household, children from the school. The wife was made the husband's competitor, the child that of the parents'. What they received as remuneration could no longer be styled wages. It was really only the shadow of the thinnest Ricardo abstraction from the wage fund. Hunger entered their homesteads. Death desolated families at a terrifying rate, in consequence of overworking their ill-nourished, emaciated bodies. Prostitution lost ignominy; religion and humanity had no consolation for factory hands. The poor had been surrendered to an iron fiend, and despair controlled their actions.

[1] This is the main argument against American Trades-Unions. But neither the Spitalsfield acts nor united laborers prevented an employer from paying the better class of men higher wages than the recognized average.

The exasperated people united in sworn conspiracies, with no other object than to destroy. The "Sons of Lud" inaugurated the terrible trade outrages, which may be called organized anarchy. They spread a terror like the Vehme of old Germany or the Russian Nihilists and Irish murderers. Every member of the Sons of Lud had to swear blind obedience, and life was forfeited, if such were refused. The traitors, "black sheep," and "knob-sticks" who refused obedience to trades-unions, or competed with comrades by offering their labor at lower than the stipulated rates, as well as factory-owners and masters who acted obnoxiously, were proscribed, annoyed, their tools destroyed, and they themselves not unfrequently killed. After the union had ceremoniously, in secret midnight session, passed judgment of death, executioners were drawn by lot, who committed their terrible deeds with certainty and dispatch. The police of England and all their conspiracy laws were of no avail. Society generally sympathized with the workingmen, and money for the emigration of executioners was always ready. The Draconic severity of the authorities against some offenders merely increased the evil. Punishment did not intimidate but incited to acts of terrible retaliation, which mostly fell upon innocent parties.

Indeed, the history of the trades-union is a sad one. Sublime deeds of self-sacrificing devotion to the weal of the poor and fiendish outbursts of a hatred accumulating and intensifying during years of sufferance, interchange with one another, corrupting and elevating human nature in turn. No class of men is inferior to another in the invention and application of devilish weapons for a struggle for material interests. If they would only cease to use high-sounding phrases to cover up the unspeakable atrocities of human nature in its abjectness! The deeds of the Inquisition and German witchcraft courts were no worse than the actions of those who took part in the late struggle for economical progress and individual arbitrariness.

On July 29, 1800, Parliament passed an exceedingly smart coalition law. Even to meet or collect money was fined by hard labor. This law prevented large strikes, but increased so-called small strikes, during which the workingmen quitted work one after another. Frequent judgments upon accusations under this law multiplied the trade outrages.

By and by, capitalists thought that the old law, the 5th Elizabeth, was the cause of the commotion in the workingmen's world. So they petitioned with two thousand signatures for its repeal against three hundred thousand workingmen, who declared themselves vehemently against its total abrogation, and in favor of timely amendation. The signatures could not be counted; they were weighed, and the returns showed that one factory-owner weighed as much as one hundred and fifty laborers. Every witness whom Parliament listened to was in favor of a protective law. Yet the old 5th Elizabeth was repealed, after two hundred and fifty years of existence. The English state had ceased to be the organization of its people. Government was not, as formerly, the hub around which popular life rotated. It became in part the instrument of a scurrilous class of capitalists who knew of no other rights, but those of their god mammon, transformed into goods. "No state interference in economical matters," was the cry, yet the three hundred thousand workingmen had to suffer a disastrous meddling with their sources of income by the two thousand masters who petitioned in favor of total abrogation of the law, that they might be enabled to continue their abstractions from the laborer's share of the joint product without compunction. Thus a popular government may fall into the hands of a most tyrannical oligarchy, if there be only a strong body of determined capitalists, a phrase like progress and liberty for a cloak, and a pliant judiciary to decide old statutes in the light of an all-absorbing progress. Then the flat-headed will

shake their heads, and, eyes heavenward, pronounce the stale phrase, that under the iron wheel of progress some one must be crushed for the benefit of others. Oh, Lord, let us be the others!

The repeal of the apprenticeship law deprived the English laborers of their rights. So far, at least, they had a standing in the English statutes which permitted them to hope for an improvement of their condition. But now they were cast out of the family and despair controlled their actions. The trade outrages increased with a stubborness that fills one with admiration. The resistance of the English laborer against total disfranchisement and impoverishment reveals a strength of character and a degree of perseverance which cannot be subdued, but which must conquer the vanquisher.

In the course of time, the intellect of the nation began to understand that economical progress cannot be bought for human souls and bodies. Robert Owen disclosed the terrors of the factory system, and gave the impulse to a promulgation of new factory laws which were direct steps toward state interference with business. Joseph Hume, a friend of Owen, succeeded, in 1824, in securing a majority for the repeal of the coalition laws. With this act, the laboring class of England redeemed their natural rights of existence, and the consequence was that the labor movement lost its violent character. Trade outrages grew milder, and most of them occurred at this period only in towns which were known as tolerating abnormal conditions, as in Sheffield. The trades-unions breathed freer, and a great many sprang up. But they were unschooled and most unwittingly decided on ruinous strikes whenever the masters refused to pay "fair" wages. The laborers were idle under trades-union orders for weeks and months, and were mostly beaten. But they learned the art of war in warring. The laborers soon found out that their masters had money and means quickly to draw the un-

employed laborers from other parts of the country to the scene of the strikes. Hence the trades-union was extended over the whole country, which secured a larger fund to support idle workmen and gave control over all the members of the trade. Against this policy, the masters inaugurated the lockout, which effectually cut off the supplies of the army in action.

But the trades-unions had grown to be a power which none could hope to annihilate. The struggle between English capitalists and laborers had lasted well-nigh a hundred years, and this period was sufficient to make the trades-unions a power with which capital had to reckon. And from this time forward begins the promulgation of really beneficent measures for the working classes, which were based upon economical principles. At first they rejuvenated the class pride which was drowned in the flood of milk-and-water phrases about liberty and equality. The proud words "*Civis Romanus sum!*" were made to read, "I am member of a trade-corporation, and behind me stand in organized array the United Workmen of Old England!" That this is no empty phrase was shown by the Society of Amalgamated Engineers. The firm of Jones & Potts made use of the conspiracy laws and arrested some members of the Union. The latter appealed against the verdict declaring the laborers guilty, and obtained a nullification of the same at the Queen's Bench. This success cost the Engineers £1800, but nothing had contributed more than this case to convince the English laborers that they were no longer the helpless subjects of fiendish arbitrariness. They joined their trade-unions in masses, comprehending that through their agency they had redeemed their rank in the English state.

The next general object of the trades-unions was to obtain corporation privileges. So far they did not, as bodies, enjoy the protection of their state, and not being able, perhaps, to sue dishonest treasurers, etc., their prop-

erty was not safe. Of course, this hindered the accumulation of more extensive funds. But after Parliament, on August 9, 1869, had bestowed upon the trades-unions the privilege of being considered juridical bodies, which could sue and be sued, they progressed in every direction with general activity. Their formidable striking fund acted as a preventive. A never-failing supply of money for families in distress from want of employment cheered the hearts of the simple laborers and prevented the "reserve army of paupers" to be used against their fellow-workmen in employment.

Though the funds to keep up the standard of wages were the main care of the trades-unions, they did not neglect the charitable work. They instituted, on a large scale, separate relief funds for the sick and old, for the burial of the dead, and for accidents at work. Who will deny the moralizing influence which friends and neighbors exert upon the needy, if they are the dispensers of charity? How many eyes there are to watch the habits of people reported to be in distress! Really, if Christian charity could go through the hands of our various trades-unions, there would not be a simulating or real sufferer in our country.

Through these institutions the trades-unions increased wonderfully, and their great numbers insured in the highest degree the object of their existence. The English price of labor is a good average price; the workingman is protected against arbitrary dismissal and fraud. A certain steadiness of employment has been obtained through the trades-union's control over the labor market of the nation. The hours of labor have been reduced (56½ hours per week); the mode of payment is so adjusted that it creates no dissatisfaction; wherever the contract system could not be removed, it has been ameliorated; the technical education of the laboring classes has been improved by a rational apprenticeship law; the moral standard was raised by establishing libraries, technical schools, and private intel-

ligence-offices, which were once in the hands of saloon-keepers.

Of the greatest importance are the measures against rash strikes. A system of regularly sending out blanks with questions concerning the labor market, etc., and collecting them for careful compilation in a central office, removes all the illusions about the trades-unions' and their masters' strength. The institution of so-called courts of arbitration, through the exertions of Mr. Mundella and Justice Kettle, has shown that for every strike which really gained headway there may be counted ten which have been amicably settled. The number of trades-unionists amounted in 1880 to 44,692. At their first congress, forty-four delegates represented 150,000; the last one saw the representation of 500,000 united workingmen, who come to the rescue of any one of their members in distress. Here, indeed, is the ancient guilds' elevating principle of solidarity in its effect upon the weal of many, without its repulsive peculiarity.

This is the story of the English people's practical refutation of Ricardo's theories about a wages fund. The law of supply and demand and its system of free competition no longer cause an abject dependence of laborers on capitalists for the satisfaction of their spiritual and physical wants. The trades-unions have compelled a reluctant government, not to interfere with legitimate business, but with the illegitimate abuse of economical power on the part of business-men, whose egotism is of such an awful nature that they can, as Arthur Schopenhauer puts it, complacently slaughter their fellow-men, if only to make boot-grease from the bodies of their victims.

XIII.

LABOR AND LIBERTY.

I. THE ESSENCE OF THE LABOR MOVEMENT.

> "A power over a man's subsistence amounts to a power over his will."—ALEXANDER HAMILTON, *in The Federalist*, LXXIX.

IT is strange but true that most of our American economists and statesmen are so densely enveloped in a cloud of preconceived theories that they persist in vain endeavors to tranquilize our dissatisfied workingmen with the assurance that the end of their political and economic aspirations had been reached with the legal equalization of the laborer and employer; that American economic legislation is bound by the Constitution to view the laboring man merely and solely as a vender who sells his commodity, labor, the same as the employer his goods—bearing, like him, all the risks and benefits arising from voluntary buying and selling in any place and at any time.

Though the political principles based on this view of the relation between laborer and employer are said to be the former's safeguards against abuse, and the keystone of individual liberty and independence, yet it cannot be denied that from the practical operation of a legislation based on the above principles a backward step in their condition is noticeable, or, to say the least, that none of the benign consequences which were to follow the absence of laws separating classes have appeared, but, on the contrary, that differences arising from possession dis-

integrate society more than laws and medieval customs ever did. This is mainly due to the fact that a laborer who enters upon the market as a seller of his commodity, labor, must receive an exchange value for the same. The exchange value of commodities depends mostly upon the value in use which buyers attach to them. The necessary condition of a thing to have exchange value is, that its transfer for the sole use of the buyer be possible. Therefore exchange value can properly be ascribed only to external goods which can be separated from one person and put into legal possession of another. Labor is activity of the various mental and physical powers which are inseparably connected with the person who sells the use of his commodity. A sale of labor, therefore, implies a transfer of the use of the laborer's person for the hours of labor, at least; and the use of a thing is not possible without dominion over it. It was on account of this peculiarity in the nature of the commodity labor, that nations of former ages enacted positive laws which ascribed exchange value to human labor in the institutions of slavery, bondmanship or serfdom. The ancients knew that labor is inseparable from the person, therefore, their custom of legalizing the buying and selling of persons holding the commodity, labor, seems quite logical. And the labor market of olden times, which was a market of persons who could labor, seems more natural than the labor market of the nineteenth century, which is a market for labor that is attached to persons who cannot be sold.

But the Christian religion, with its doctrine of equality before God, implanted in the human heart a feeling of abhorrence at the idea that laborers should have exchange value. Humanity shed streams of blood and expended the treasures of Ophir to erase from the codes of civilized nations those laws which gave to persons exchange value

determinable by their capacity to work and the buyer's desire to make use of such work. As knowledge spread, and, together with religion, tempered views and customs, there grew even a feeling of deep aversion against applying exchange value to all the qualities of body and soul. Thus, venal beauty loses its charms; the mercenary preacher, philosopher, journalist, or statesman is despised; and should state and church, *i.e.*, bodies representing man's ideal nature, allow their officers and acts to partake of the nature of things which have exchange value on the market of life, then a revolution is sure to follow.

As the reverse of this civilizing sentiment, there grew also a dislike of the practice of governmental expropriation, that is, taking the quality of having exchange value from external goods which should, for the benefit of mankind, pass from hand to hand. Hence the old feudal land laws fell, and commercial privileges, formerly vested with governments exclusively, received the quality of being exchangeable. If, furthermore, the socialists talk about expropriating the requisites of production, such as lands and implements, it causes as much rebellious feeling as when monopolists combine to supersede the exchange value of marketable commodities by arbitrary prices.

And in spite of two thousand years of Christian and philosophical enlightenment, our blind statesmen tell the laborers that in their position as venders of an exchangeable commodity which is connected with their persons, they have attained the end of human development, and that it is the perfection of a government to merely see to it that the individual seller really gets none but the exchange value of his commodity; that therefore every attempt to enhance the exchange value of labor and to extricate it from the coils of the law of demand and supply, which is nowhere written and formulated, is a violation of our fundamental principles of personal liberty.

What an anomalous position our hard-fisted workingmen of the nineteenth century occupy. They are venders of an exchangeable commodity that cannot be separated from their person, on the same level with buyers of this commodity labor—their employers, who can sell their goods thousands of miles away. To-day they are independent venders whose bids influence the labor market to their own disadvantage; and to-morrow, having taken a situation, and hence sold their exchangeable commodity, labor, they are yet venders of a commodity vested in their persons, the value of which they must not, for the sake of personal liberty, determine themselves; because, most naturally, the value in use of their commodity labor is greater than its exchange value. Were it not so, employers would not want it, and laborers would not grumble at the dictates of the market.

Even if the laborer knows that in other regions of the country the market is in his favor, he cannot, like the employer, send specimens of his commodity, to see if they be acceptable. The inseparability of the commodity from his person makes it necessary for him to travel to the place where he hopes to find remunerative work, and for that he is mostly too poor, or if not, it still subjects him and his family to serious loss. If in the place where the laborer lives the demand for his commodity falls or ceases altogether, he cannot, like the employer, stop offering his goods and wait for a better time; the fact that the exchangeable commodity is the very person of the vender makes it necessary for the workman to continually offer his goods for sale. Necessarily the decrease in the demand for labor increases the bids and lowers the exchange value of the commodity which hunger compels him to sell at forced bankrupt prices.

In the employer's commodities, the cost of production usually forms the limit of reduction in their exchange value.

In the laborers' commodity there is no such external limit. The inseparability of commodity and person makes hunger the price-determining factor: and while the price of the employer's commodities can be enhanced by a decline to sell during a period, the price of labor can be enhanced but by emigration, or death from misery.

If the labor market improve, the laborer cannot immediately command better prices, like the manufacturer. First the unemployed take work; and if then the exchange-value of labor still increases, and the standard of life among the working classes becomes really better in one country than in another, emigration will at once increase the number of bidders, and again decrease labor's exchange value.

So the laborer finds himself, in the formation of labor contracts, altogether in the hands of his natural enemy, the employer; and owing to the unhappy identity of the commodity labor with the person of the laborer, the exchange value of the former is either determined by misery and death among the latter, or by an influx of men from other countries, or by reckless marriages among themselves.

This real inequality under seemingly equal rights, has given to employers a power over the fate of laborers which is almost unlimited. The wages can be paid at times most inconvenient and at dates far apart. This constrains employés to borrow the necessaries of life from stores which frequently belong to employers. Demands for full weight and good quality can, especially in country places, be easily hushed by a threat of dismissal. No matter how bad the air, how dangerous the building of the workshops, how careless the technical construction of mines, machinery etc., owing to the inseparability of the person from his commodity, the laborer must go there and endanger life and limb. He must work in the neighborhood of bad men.

The mother who sends a girl into a workshop has no influence over her daughter's companions, and the employer cares not. The subordinate officers in workshops decide all questions of right and wrong in an arbitrary manner. They are mostly men whose sole endeavor it is to please the employer, and to increase their own sphere of rights, if not their salaries, at the expense of the workingmen.

The regulation as to time of labor and mode of relaxation lies also solely with the employer. He can determine when the laborer is physically exhausted; at what age the child may be admitted to the workshops; what societies, churches, and political parties the workman shall belong to, and what papers etc., he shall read.

In truth, in the inseparability of the commodity labor from the person of the vender of said commodity, lies the cause of the unlimited domination of employers over the economic and moral existence of laborers. This proves that the presupposed liberty and equality in the formation of labor contracts is only an illusion wherever the system of individual contracts has been adopted as an equitable means to regulate the relation between employers and laborers.

2. THE TREATMENT OF THE LABOR QUESTION IN THE ANCIENT AND MODERN STATES.

The attachment of labor to the person of the laborer led to the formation of the ancient guilds and the modern trades-unions, in monarchical Europe as well as democratic America, because neither theories nor forms of government can separate the laborer and his work. The formation of both labor organizations was conditioned by the contrariety between the laborer's increasing claims to self-determination, and the technical progress of civilization, which removed the power of determining the value

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of labor, depending entirely on exchange, farther and farther from the laboring individual. The ancient guild aspired and attained to the mechanic's economic self-maintenance through common action in determining the value of labor and the legal fixing of limits of those who were likely to abuse the person while the benefit of its use accrued to them. The class which had, in the ancient Germanic state, a material interest in denying to mechanics the privileges of economic self-determination, was that of the guild merchants, who not only used but also traded with the product of labor. They correspond in every way to the employers of to-day. The ecclesiastical and landed estates, with their dependencies, had, like the present "public," an interest in obtaining as cheaply as possible their articles of home consumption, but they could afford to have a sympathizing heart for the poor, despised mechanics, the same as we note in our communities whenever the worst-paid laborers strike—such as street car-drivers and freight-handlers. The real friends of the mechanics in the ancient state were the monks, who taught them to read and write and the art of making things of value. The officials of the state, who formed governments which seemed to be in existence merely to carry on an eternal struggle for existence between strong and refractory classes, generally leaned toward the mechanics, who were rapidly growing in numbers as well as in wealth. It is immaterial whether the ancient Germanic governments listened to the claims of the mechanics for the purpose of obtaining revenues or increasing their power, or from purely ideal motives; for the mechanics it was sufficient to receive warrants by letter and seal from the highest ecclesiastical and secular authorities in the state, that they could determine the value of their labor, and give legal force to whatever rules they chose to set up for the protection of their persons while at work.

These charters of the mechanics, which protected their persons and incomes alike, were what they meant when they spoke of liberty. The humblest craftsman could define the idea, while in this age professors of great learning have to confess their ignorance, after writing books upon books about it. The rights which were set forth in well-defined charters were of direct and tangible benefit to masters, servants, and apprentices; so they watched them jealously—sleeping, as it were, under arms; while the "natural" and "eternal rights" of the present day are non-entities—or, rather, narcotic gases to benumb common-sense. The equality which the chartered privileges gave to the mechanics was a real elevation of the working classes from slavery to the dignity of self-supporting manhood; while the class-pride of the mechanics was as great as that of the guild merchants, or even of the nobility, there was a real equality in the guilds as price-determining factors. This all-important subject was not altogether surrendered to an accidental concatenation of circumstances. The price of labor was the result of the latter *and* the will of the former. The equality which the present age means, in contradistinction to the above class and economic equality, is that pertaining to the human form. The laws protect it alike from infancy to old age against mutilation and annihilation; personal violence and physical compulsion are excluded upon the principles of equality, by the codes of all civilized nations.

But the natural life as it appears in the human form is not the whole of man's existence. Within each person there is a spiritual life, manifesting itself in the family, state, and church. It shows itself as a creative power unequally distributed among the people, yet existing to some degree in every individual. That which the individual spiritual life creates out of itself is a person's undisputed property. It consists in knowledge with one,

skill with another; here in an humble degree, and there in exuberant fullness.

Upon knowledge and skill, men erect invisible structures, yet as real and substantial as their bodily forms. It is, from a mere economic point of view, their business career in the national household. With this form of intellectual human life, are connected the ideas of civil honor. It is said, even, that a person's economic life is but a trial of his soul's capacity for some nobler eternal form of existence beyond the grave. However this may be, certain it is that the best of men value their intellectual life in the economic world more than their physical existence. How many good and sober business men have committed suicide because circumstances beyond their control ruined their intellectual life in the business community! Families perish if they cease to keep alive the creative fire within them, and nations disappear if they do not pay attention to the intellect and its requirements in every individual soul.

The undisputed diversity of intellectual gifts causes an unequal distribution of things created by the exertion of man's spiritual powers. Egotism—or the covetousness of the human heart—craves that property which belongs to others. This is injustice, taking either the form of subjugation by positive laws, as in slavery, or through economic power, as in the modern free state; or appropriation of the fruits of labor through theft or unjust distribution by those who did not labor. These forms of injustice, appearing wherever men cultivate the soil and their mental gifts, create the right of resistance. The privilege of the individual to ward off attacks on his person and his undisputed property is an original, natural right; the general human will takes it and admits of no dispute about it. This resistance against wrong is justice, a positive thing, setting forth in intelligible sentences what means men may use to

resist the abuse of person and appropriation of that which it created out of its own capacities. These sentences, embodied in the statutes of nations which are provided with the necessary organs of deliberation and execution, realize the idea of justice in the state.

Thus it appears that the object of the state is the promotion of man's intellectual life by securing to each individual that which is his undisputed property. At a time when articles of home use, together with domestic animals and the fruits of the land, comprised the entire individual property, it was a simple task for the state to say which particular things justly belonged to its individual members, and which were common property. But the task of the state grew more difficult as division of labor set in. Now, each laboring man makes but a minute part of a whole product, which passes, before completion, through many hands, and then again through channels of commercial exchange, before its value can be ascertained, and it is put into the form of money to satisfy the demands of all who had a hand in the transaction. Nobody in an industrial people can with certainty say what his share is in the property which perhaps he never sees in its completed shape. While, then, the decalogue in its simple form may have been sufficient for an agricultural people, or for a time when each mechanic held the whole of his product in hand ready for direct exchange with that of others; the preservation of justice in the modern industrial state, with its intricate division of labor, requires a more elaborate system of rights than the simple habits of pious cultivators of the soil.

The European states which granted to mechanic organizations the privilege of determining the value of their labor, and the means necessary for the protection of the person while at work, adopted with the promulgation of guild-charters the principle that not only the external

natural forces which can be appropriated are personal property which the state is bound to protect, but also the inward forces of knowledge and skill. Why should only those things which owe their existence to human knowledge and skill—houses and movable goods—be considered property and not the force that made them? One can appropriate the goods of another as well as the services of his gifted neighbor. It takes years of study to acquire the knowledge and skill which qualify a person for the office of a doctor or architect. Great self-denial and much expense are needed to train a young man to become a printer, mechanic, or joiner. It takes years of earnest devotion to a calling before a reputation is established which forms the basis of an income sufficient to support a family. The exertions of a young person to acquire knowledge and skill as well as a character for honesty and integrity, and the close devotion of an adult to a calling in an appreciative community—these form a person's spiritual life in the economic world which brings forth invisible but real fruits, consisting with the young in knowledge and skill, with the adult in reputation and honor. Consequently these ideal yet real goods are created by the person out of the person and form his innermost property, which deserves the attention of the state as much as the mere physical life and the things which human industry brings forth. It is the duty of the state, as the promoter of civilization, to see that the levers of society, which are wages, salary, and honor, be not so much reduced that they can no longer raise the spirit of men from the inertness of matter!

Again, if we take another point of view, and examine what are the common sources of income, we find that some draw it from land in the form of rent; some from capital under the name of interest; but most of the people derive their incomes from labor. If now the question be

asked, whether a father would rather leave to his son as his heritage, a house, a business, a capital, or real knowledge and skill to carry on a trade, the answer would be, that the latter is preferable, because it is a means to acquire everything else. Why should it be a principle of state merely and exclusively to protect the property which yields rent or interest?

But the ancient states not only looked upon skill and knowledge as individual property yielding an income to their possessors; the mental gifts and mechanical capacities of the individual were considered an integral part of the common wealth, contributing considerably to the happiness of the whole. Ecclesiastical and secular princes, from the emperor down to the autocrat over ten hamlets, made it a particular point of policy to encourage all institutions which had a tendency to foster knowledge and skill. The autocrats, protecting, nay, almost caressing the trades, imposed at the same time serious duties upon the practitioners of professional knowledge and mechanical skill; and they were wise. This gave security to the artisan's subsistence and dignity to his deportment, which excluded the possibility of any retrograde steps in civilization.

All this is changed in the modern free state. The justice of which it boasts is something that exists for active members of the national household, only by its absence, being tangible merely to the outcasts of society. It is an incomprehensible form, receiving substance, not from the spiritual life of the people, but from the abnormities of human cravings; it is a negative virtue of an elastic nature, permitting men to extend existing evils, or to force new ones in between those which are prosperous. The mighty apparatus of government is kept up merely for the protection of inanimate things, such as houses, lands, tools, etc., and of the life creation only domestic

animals enjoy the state's fostering care. He who abuses a dumb animal is punished for humanity's sake; but he who in the factory abuses men, women, and children by the hundred, is treated as a pillar of the state. The man who burns his neighbor's house is imprisoned for years; but he who ruins the spiritual structure of diligent workingmen; he who appropriates and brings to naught by competition the reputation and the incomes of many in legitimate business pursuits, is honored like a creative genius.

3. RESULT OF THE MODERN TREATMENT OF THE QUESTION.

The state of the nineteenth century, with its intricate public economy is reduced to the maxims of patriarchal simplicity, with the decalogue as the guide of individual volition. Forms of government which proved sufficient when civilization dawned upon mankind are proclaimed as the goal of popular aspiration. So modern liberty glories in ignoring the large experiences which many generations of Germanic blood had gathered during centuries of national life. They endeavored to preserve the treasures of the Roman and Greek civilization without accepting the inherent blemishes of the ancient forms of life. In this the Germanic nations were at times found to err. But mere mistakes are now magnified into crimes, and really good institutions are expunged even from the memory of the living nations. In this consists the crime of democracy, perpetrated upon the Germanic civilization of the present era, and the people who are subjected to its levity. It excludes the individual spiritual life as an object of the state's special care. It makes a criminal distinction between the sources of popular income from land, rent, or labor, allowing the latter to become a prey to the cunning and unscrupulous. But not only this.

Modern liberty makes it a punishable crime for the owners of skill and knowledge to unite for the protection of their undisputable property against the encroachments of evil economic powers which grew in every branch of industry and were hailed as civilizing agencies.

Thus that which makes man worthy of respect, intellectual capacity, trained to be of public benefit, is declared valueless to the commonwealth, and thrown out to be a booty for the strong in the war of all against all which modern liberty has forced upon the afflicted human race, being, as some say, a noble form of earthly existence.

Is it any wonder, then, that, under such circumstances, there grew, in less than a hundred years, in every civilized nation, a laboring class, dependent for the satisfaction of all their material and spiritual wants upon the arbitrary decisions of a number of employers, whose injustice has caused a baneful insecurity of the means of subsistence of the lower classes, which deleteriously wears on their manhood, by repressing their spiritual nature? And if we in America consider the numberless undeveloped avenues to wealth which a large and uncultivated soil offers, we need not wonder that the Shylocks and impostors of the world come here with the uncivilized hordes from the haunts of large Asiatic and European cities to use our country as a hunting-ground for valuable game. The ideas of modern liberty assign to the American government the questionable task of protecting all the uncouth members of society in their encroachments upon the sources of the American laborers' incomes. The state, under the pretense of advancing civilization, almost grants the validity of laws to arbitrary decisions of employers in matters relating to industry, though they cannot be expected to have a lasting sympathy for the common weal. At the same time the laborers are denied the privilege of a voice even in the regulation of the workshops; their attempts to set a value

upon their property in skill are not only denounced as illegal, but persecuted as crimes against men's economic nature; the laborers' claim to protection of health, life and limb, while at work, is scornfully rejected as unworthy of the dignity of American citizenship and derogatory to the country's public economy.

4. THE AMERICAN TRADES-UNION.

The necessity of a healthy reaction against the prevailing ideas in regard to labor and its votaries, has led in America to the formation of the trades-union.

The question whether in real life American laborers have been as badly treated as the European is idle. It leads to cavilling at the evidences, because each party is predetermined to disbelieve the other. Employers triumphantly produce comparative tables of wages, showing that the worst American are better than the best European rates. This teaches the American laborers what may become of them if they are not on the look-out, and produces in the employers a feeling as if they were superior to those in other countries. Referring to the tables of wages, they consider themselves shamefully traduced, although it is by no means evident why the favorable condition of the American national economy should be credited to the good-will of the employers toward their subordinates. If one class of people abuse another class, it will not do to raise the question as to what degree this was done. Of what avail were the sanctimonious stories of Southern slaveholders, of how tenderly they cared for their subordinates? of how much better they were off than what they called the free "white trash"? Let us rather admit the charge in its mildest form: In every branch of industry there are some employers who abuse their

subordinates wherever they can; and, by virtue of the business system of free competition, the few wicked men can and do compel the reluctant number of generous producers to follow a wages policy which puts them in an inimical position toward their laborers.

The American laborers resist the continuation of this prevailing economic system which gives even to a single daring capitalist in any one of the trades the power of reducing the incomes of all persons engaged in it. For this purpose, they have adopted the historic guild form under the name of the trades-union. Its right to existence, therefore, is clear and unmistakable, resting on the original human right of self-defence. On the other hand, the title of the men against whom the labor movement is directed is based upon the fictitious law of supply and demand, which is a discovery of recent origin, doubtful in its nature, and in its operation repugnant as well as derogatory to manhood, because it is an attempt of the modern science of political economy to overawe the intellect of plain people, that they should resign their liberty of action in the economic sphere of life and become soulless fatalists without a will of their own, like the enfeebled, abject Turks.

The first traces of organization among the laborers are found in Massachusetts. A meeting of farmers and mechanics was held at the State House in September, 1832, to protest mainly against excessive hours of labor and imprisonment for debt. On January 21, 1834, a meeting to form a general trades-union was held at the Boston Common Council rooms. In the following March a constitution was submitted and ratified. The trades-union thus formed intended to have religious ceremonies on the next following Fourth of July. They appealed to twenty-one religious societies to allow them the use of their church for this purpose; but their request was in every

case refused. No clergyman could be had to ask a blessing.

Of prominent Americans who manfully stood by the laborers in their early struggles are to be mentioned Edward Everett and Rev. William Ellery Channing, James G. Carter, Horace Mann and Martin Van Buren, who ordered the adoption of the ten-hours system.

Although it is not our task to enter upon the details of every occurrence connected with the early labor movement, we must relate the story of the first strike. It is a poetical picture worthy of remembrance. In 1836, it was stated in Lowell that wages were to be reduced. The girls turned out *en masse*, marched to a grove and listened to the speech of a young lady who was standing on an old pump giving vent to her feelings on the situation, which caused much surprise and consternation among the audience. A little girl eleven years old was called the ringleader, because she had led the turnout from the room in which she worked. These girls published in 1845 a paper called *The Offering*. Its first motto was, "The worm on earth may look up to the stars!" Let us hope that the story of these characteristics of the first American labor movement will help in dispelling those vapors from the nether world which come across the ocean and pervade the air, benumbing the judgment of well-meaning men.

During the years 1830–60 the trades-unions led a very precarious existence. The intelligent workingmen looked upon the spirit of solidarity, as it appeared in the questionable shape of business tyranny, exercised by the uneducated masses, as a thing less desirable than the arbitrariness of intelligent employers, and to be combated for the sake of democratic liberty. Yet on March 2, 1859, the Machinists and Blacksmiths organized a national body; July 5, 1859, the Iron Moulders came and boldly

asked for a charter from the United States Government, which was refused. About 1860, fully twenty-six trades had national organizations.

The first Trades Assembly came to life in Cincinnati, in 1864. Their various branches attempted to form a national organization in August, 1866, at Baltimore; after this, conventions were held at Chicago, New York, Philadelphia, and Cincinnati. This body started the eight-hour movement, and attempted to form a political party. An Industrial Congress assembled, in 1873, at Cleveland, afterward again at Rochester. In 1873, the National Miners' Union was formed. The Amalgamated Iron and Steel Workers followed in 1876. The Cigar-makers' International Union has existed, since about 1864; the Brotherhood of the Footboard, comprising the Locomotive Engineers, was organized in 1863; the Locomotive Firemen of the United States in 1873.

The Report of the Labor Bureau of the State of Ohio of 1880 counts up 120 trades-unions and 40 Lodges of the Knights of Labor in that State, with a membership of about 40,000 persons.

5. CHARACTER OF THE AMERICAN TRADES-UNIONS.

There is no need to follow each particular union through all the stages of its development. It is worthy of attention, though, that they all came to life at a period when the number of inhabitants increased in the proportion of 1, 2, 3, 4½, and the wealth of the nation at the ratio of 1, 2, 6, 11, 13½; that is, at a time of unexampled prosperity. This circumstance justifies the conclusion that the strife of the trades-unions seems to be a struggle of the laboring classes, not only to maintain, but also to elevate the wonted standard of life. But not only this: a close examination of the strikes as given by the reports of American labor bureaus shows conclusively

that the laborers most fervently oppose the arbitrary assumption of the sovereign power over individual volition by the united capitalists. Our free government has made of this prerogative of the state—that is, the organized political society in which we live—an object of contention between the economic powers of the country represented by the capitalists and united laborers. Neither the employers *nor* the trades-unions ought to wield the sovereign power to say what an individual should or should not do. Yet both claim this right, and the aspirations of both parties, by any and all means to form a state within the state, give to the labor movement its fierce character.[1] The trades-unions, as social bodies organized for the offensive, assume the shape of a bold, but, through want of cohesion, undisciplined force. Their warfare is that of guerillas against a victorious, well-disciplined army in a conquered country. They harass the enemy and provoke him to measures of merciless retaliation. Yet this aggressive warfare is not without good features, if we take into consideration the moral standard of the heterogeneous elements which form our industrial commonwealths. In intimidating weak workingmen, the trades-unions arouse whatever there is of the manly sentiment of resistance to wrongs. Creating a peculiar public opinion among themselves causes them to employ their mental faculties, and prevents their relapse from mere inertness into a state of European political imbecility. Thus self-reliance is taught, and even self-sacrificing virtue, among the most neglected classes, which no other agency can reach. The rules of the unions

[1] "Statistics show that in a large number of strikes, employers are the aggressors. To the fact that this is not generally understood is to be attributed most of the prejudice that has existed against workingmen."—See James Bishop, Report of the New Jersey Labor Bureau of 1883, p. 146–153.

as to personal conduct in meetings and in the workshop lead to wholesome self-control. When in session the workmen speak of public affairs, and form original opinions, which counteract the baneful influence of demagogues and their venal press. The trades-union's aggressive nature draws out, like a strong magnet, whatever there is of iron strength in the character of the motley mass of laborers. Union discipline curbs the forwardness of men who are leaders of the heterogeneous masses of poor people who live in our communities separated by diversities of tongue, blood and faith; thus the advancing few react upon those behind them, in the spirit of the union, which accustoms the undisciplined energy of neglected people to obey a common voice. General purposes to meet the needs of all cultivate submission in stubborn natures. The daily exercise of duties circumscribes extravagant ideas of personal rights. Supporting idle members to secure success in strikes leads to the establishment of relief funds. The care of these teaches the distinction between earnest men and pretenders, and creates a desire for gradation. Sick-relief funds cause attention to the comrade's modes of life; these, and burial funds, bring the interests of the family to the consideration of the union, which has, so far, been but too ruthless a force.

In our unsteady, boundless, yet highly developed public economy, the trades-union has been an element rather to increase the nervousness which acts so deleteriously upon the intellect of men, and brings to naught the people's best endeavors. In times of equilibrity between demand and supply of commodities, the laborers quickly accumulate funds to expend in rashly undertaken strikes when demand increases. They usually succeed, perhaps because employers think it better not to quarrel with their workers while the sun of prosperity shines. Then the individual members double their con-

sumption. This increases the vivacity of trade to the highest pitch. Producers set every sail to catch as much as possible of the favorable wind of popular demand, and wildly investing their reserves, they soon overstock the market, which compels limitation of production. The latter is equivalent to a decrease of the popular buying power, and thus the reaction sets in.

In the mean time the unions usually abuse their sudden power, and screw wages up so high that employers must discharge each superfluous man or curtail the hours of labor for economy's sake, as soon as there are indications of a threatening dislocation of the line between demand and supply toward decline. The general American trades-union's rule, always to strive for a maximum rate, regardless of the laborer's qualifications, causes a great many dismissals which would not occur if the retention of a sound minimum line were the object of a conservative organization. Then, through some accident in the financial world, comes the crisis. Dismissals by the hundreds and thousands follow everywhere, which means a fall of many families from a very high standard of life to a state of serious impecuniousness, especially in large industrial centres. The cessation of a brisk or even wasteful consumption, on the part of a numerous class, increases, as we progress, the frequency and duration as well as the severity of business crises.[1]

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[1] A good view of the operation of American trades-unions, strengthening the above remarks as to their general character, is found in a report from the Tuscarawas Valley in Ohio, covering a period of twelve years. The year 1869 was prosperous, but the beginning of 1870 showed so great a decline in the demand for coals, that employers thought of reducing wages. A strike was unsuccessful, the vacated places being filled by men from other parts of the country. In 1871 prices again rose and wages increased; laborers being satisfied with the slight advance accorded them, instantly used it to form a miners' and laborers' protective union. In 1872 the increasing

Thus, the general result of the American laborers' endeavors to improve their condition by aggressiveness, is

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prosperity led to a strike for an increase in wages, which was granted. Another strike in the same year was averted by another increase. The trades-unions now became what is called tyrannical—that is, they demanded of all the men in the mines either to become members or leave the place. Then they stopped work in the whole Tuscarawas Valley to assist the laborers in the neighboring districts to obtain the same wages as they were then receiving. Upon this, the employers tried to break up the union by sowing discord. A number of strikes ensued on the mere question of power in the mines; sometimes the laborers were successful, sometimes the employers, until the crisis of 1879 put an end to these fruitless exertions of laborers and capitalists to assume control over the individual will, which is actually the state's prerogative.

Then began numerous reductions, each small in itself, so that the laborers acceded to them, and for a time a court of arbitration settled all the difficulties of the contending parties. The national organization of miners to which the lodges in the valley belonged endeavored permanently to establish courts of arbitration; but neither the courts nor the national organization could survive the crisis. In 1873 great reductions were resolved upon by the employers, which caused a strike that was settled by a compromise. In March, 1876, an additional reduction of wages was announced; a violent strike was the result which made military interference necessary. In this the workingmen lost, because it was easy to import willing hands from all parts of the country. The employers now took revenge for the previous aggressions of the workingmen during 1872-73. Wages were reduced without cause; laborers were forbidden to meet; the old union was forcibly dissolved, and in 1875 the coal-miners were in a most abject condition. All coals brought from the mines had to pass through a sieve, and only the coal itself was to count on the wages bill. This aroused the laborers, but they had to submit. A strike, which lasted two weeks, to protect the dismissed friends of the union was unsuccessful. Finally, during the fall of 1879, the crisis seemed to come to an end; prices rose, and a new union at once grew up. Again strikes followed and lasted until 1880, at which time riots broke out; this again made military interference necessary. The general result of the strikes was a slight advance in wages, and the abolishment of the rule about sieving. The last

this: They spend millions of dollars when business increases to push quickly forward. Then they increase their standard of life accordingly, and accumulate no reserve funds to further their cause in periods of comparative quiet in the economic world. Nothing is saved to bridge over a time of real stagnation. Only weak attempts are made by some intelligent unions to found charitable institutions which create the affection that binds hearts together in weal and woe. The spirit of solidarity is yet so weak that the separating influences of shops in one town, theories about general principles, language, nationality, or the division of labor, split the workers on one and the same product into bickering factions. The compositors strike while the pressmen go on with their work, and *vice-versa*. The principle of union causes a cheap sympathetic resolution, but the individualistic principle in their hearts says: "They are not we!" And they stand by their comrades, compassionate co-workers and co-sufferers, keeping their employers' business running until their own turn comes along. When, then, the regularly recurring business failures come, and stagnation causes dismissals

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strike of 1881 was also successful for the workingmen. During this year there were reported in Ohio twenty-two strikes of the coal-miners; of these twelve were won, two compromised, and only six lost. The conclusions derived from the above are, that the trades-unions grow with the prosperity of the country, strike to obtain higher wages, which are usually accorded, then assume the state's power over the individual will, which meets with decided opposition on the part of employers. At the period of depression the trades-unions strike for the maintenance of their standard of life, which has been raised artificially; they fail for want of innate strength, because they waste whatever they have in overdoing the thing. Then comes the reaction: employers at once become the enemies of the laborers, and having the economic power in their hands, reduce them in every way below the standard from which they proceeded.—Compare H. J. Walls' Reports of the Ohio Labor Bureau, 1880, p. 77–91.

by the score of the weaker members of the trades, the good workingmen who are retained in employ exclaim: "Thank God, we are not they!" and the unions lose their members, having long before exhausted their means to hold the arrogated power of the state over their members' free will. Then the working-class again slides back usually beyond the line from which the unions started. Recuperation becomes more difficult after each relapse, because strangers come into the land "three hundred thousand strong," and the home population doubles, by natural progress, almost every twenty-five years.

Aggressive combinations increase the wrongs around us, and carry with them the warrants of their death. The capitalists who combine for economic power, breathe, with the laborers' weakly efforts to gain no better ends, into the fertile garden of our land a poisonous wind from the parched desert of egotism—the crisis—which puts an end to all who cannot creep behind their wealth.

The ancient, genuine spirit of solidarity, whose perceptible form is compassion, is a power to equalize, by common action, the inequalities of life caused by unequal gifts of brain or means. If this spirit would wholly pervade the American trades-unions, it would undoubtedly make them a power to *regulate* the income from labor as well as its expenditure. Thus the new economic force represented by the united laborers would in the course of time become the much-needed pendulum among the whirling and buzzing wheels of the American national economy; and these social bodies, which sprang directly from the very people, may be made the "popular machine" to redeem the government of the American state from the class of its citizens which holds it now, not knowing what else to make of it besides a source of income for small exertions.

6. CAUSES OF THE AGGRESSIVENESS OF TRADES-UNIONS.

In order to be just to the American laborers, let us examine, as far as we can from the meagre facts before us, the causes which determine the character of their movements, and give to the individual trades-unions the unsteady arbitrariness that promotes neither their own welfare nor that of the commonwealth.

The capital of the United States increased from 1849 to 1880 sixfold, while the number of inhabitants rose from about 22½ millions to 50½ millions. This enormous surplus enabled the industrious owners thereof to build railroads, which covered the continent like a net-work, enabling capitalists to develop the resources of the Western States. The ore in the bowels of the Rocky Mountains invited the speculators of the large cities to commence mining operations at isolated places in the wilderness. The hope to gain quickly induced not only capitalists to go into hazardous undertakings, but also increased the migration of the working population from place to place, from State to State. There was no steadiness in the purposes and habits of the laborers; they became modern nomads through the movements of capital, whose owners seemed to consider a migrating, unstable laboring population a necessary element of a modern industrial free State.[1] The laborers settled in the coal, copper and silver districts; among them were usually a few directors of the mining companies, together with some tradesmen. As the mining-places were in no wise organized communities, the laborers had to provide for their common wants

[1] In a statistical report by General Walker, it is ascertained that nearly twenty-five per cent. of the native-born population are living in States and Territories other than those in which they were born, and nearly as many more have moved from their native towns and counties, but without leaving the State.

among themselves; they had not only to support their sick and bury their dead, but they had also to provide for law and order. Thus it came that along the Western frontier, the trades-unions in a great many places formed townships; they were the municipalities, and we find in these isolated productive settlements the most abominable despotism. The trades-unions exercised it with the intention to make the most of their happy situation. They wielded the political power of their commonwealths, and therefore were able to enforce the most extraordinary demands, until the capitalists grew tired, and stopped their operations, which put an end to the dominion of the trades-unions and oftentimes to promising towns and hopeful, steady homesteads around well-provided productive centres. So there was, between the years 1875-80, in Nevada City, a trades-union which managed for a long time to keep the daily wages for manual labor at five dollars. The resolutions of the union had the validity of laws for the inhabitants. The terrorism of a few leaders insured obedience. Newly arriving laborers had four weeks' time during which the union resolved whether they should be permitted to stay or whether they had to leave. Reluctant miners had no hope of remaining in employment. The Chinese were tolerated only as cooks, waiters, etc In short, it was dangerous for any strangers to remain in Nevada City, or to work there without permission of the trades-unions. Not far from Leadville, Colorado, was a mining-place called Robinson Camp. It was ruled by a similarly organized body of men; there occurred within a short space of time three murders of directors who were opposed to trades-union discipline. The revolver was an ever-ready means for enforcing trades-union edicts.

In Leadville, the miners struck in 1880 for a reduction of the time of labor to eight hours per day. The employ-

ing companies resisted their demand, whereupon the laborers armed themselves with all sorts of weapons, barricaded the streets, and threatened to burn the town if their demands were refused. The peaceful citizens organized some regiments, and both parties kept up a regular guerilla warfare in the streets of Leadville, which was ended after petty animosities had separated the leaders of the workingmen, who could then be easily subdued.

These examples are sufficient to characterize an important part of the American labor movement.[1] But in passing judgment on the outrages of the miners' associations, we ought to distinguish between the impulses which brought them forth and the acts themselves. While the purposes of the uneducated laborers may be as laudable as those of the refined classes, the acts, to realize them, must be in accordance with the general cultivation of the individuals. It is comfortable to denounce the laborers *in toto;* likewise it does not require much wisdom to set forth in good style how beneficial a moderate wages policy would be to trades-unions and the country at large. This is merely telling what might be if things and men were not as they are. But it is more difficult to understand that the trades-unions have merely acted as human beings have always acted and will always act under like circumstances. If princes or churches, classes or corporations attain to absolute political and economic power, like the isolated Western trades-unions, they will become most arrogant

[1] Compare Sartorius von Waltershausen's Essays on the American Labor Movement. A number of this conscientious economist's articles are in Bruno Hildebrand's Year Books of National Economy, VI. and VII. The author had gathered most of this gentleman's interesting writings, but he lost them through a fire occurring in his office in 1882, and is therefore unable to mention in the proper places the sources of his information. This refers also to a great many clippings from newspapers relating to the labor question.

despots, and, as history amply shows, will use war, murder, torture, and imprisonment, to retain their power. Trades-union despotism is natural Machiavellism, not so refined as that of the celebrated Italian educator of ecclesiastical and temporal princes, but, as to its essence, fully identical with it. How strange to suppose that the individual unions should have eyes to observe the causes of national weal and woe; and then to think that the workingmen should be guided by remote purposes, dictated by patriotism, when at a nightly meeting they vote for an exorbitant advance, stamping the floor and encouraging one another in their endeavors to show their masters who they are! Indeed, if we listened to the prejudiced enemies of the trades-unions, we should imagine that the rough laborers could, if they were so inclined, act with the wisdom, moderation and judgment of financiers. And, besides, the system to which millions of Americans are loyal is only then excusable, in the eyes of many otherwise well-meaning citizens, if the trades-unions would consult their employers before they take a single step toward improving their individual condition; asking them who to elect for officers, etc. What an injustice it is to ask the united laborers to act like statesmen; or to keep up a union against their employers, and yet not act without telling them of their intentions!

Taking, thus, every side into consideration, it seems but just to say that the aggressive nature of the American trades-union is due to the general condition of the national economy in which they appear as price-determining bodies. When capitalists are permitted to draw numbers of resolute workingmen from place to place, without being made in the least degree responsible for the consequences, the helplessness of such communities, in regard to the exercise of charity, justice, and education, makes organization

necessary. Their incomes, being exposed, through competition, to constant reduction, turn their thoughts toward measures of protection. When everything seems prosperous the laborers naturally desire to share in the increase brought forth by their toil; having, or imagining they have, the power of enforcing their demands makes them reckless. All this is natural, and therefore, to say the least, pardonable. But it is inexcusable for a great nation to leave the decision in the most important economic questions to those interested parties who happen to be the strongest at a given place and time under accidental circumstances. It betokens national levity to have no organs for the decision of class conflicts, which are sure to follow in quick succession, endangering millions of property, and even the peace of the nation. The laboring men who are so swift to decide the issue in their own favor are not to be blamed if their acts are rough like their natures; essentially they do nothing worse than the capitalists who fight with their refined means—but the fearful responsibility for the misdeeds of these two classes rests with those public teachers who tell the contending parties that real national liberty consists in the toleration of a business system which is essentially arbitrariness, anarchism, and nihilism in the American national economy.

7. THE TRADES-UNIONS AND FOREIGN RACES.

A serious obstacle to the growth of individual trades-unions into a circumspect, deliberative economic organism, is not only the migratory propensity of the Americans themselves, but also the presence of inferior races and the continual arrival of people accustomed to a low standard of life. These foreigners form an army of unskilled labor-

ers, ever ready to come to the rescue of employers when they find themselves hindered in their endeavors to lower the wages by the action of the unions; or to take the place of striking workingmen, if only for a time, as "blacklegs," "scabs," "rats," etc., until the haughty Americans succumb.[1] Can it particularly astonish an observer of human affairs to see among the plain people the natural hatred for an uncalled-for business competitor, frequently coupled with the worst prejudices of blood and religion, bring forth terrible atrocities? And, indeed, the history of the trades-unions in the Southern export cities and on the Pacific shores abounds with stories of indescribable cruelties, no better than the dreadful persecutions of antagonistic races in ancient times and modern empires.

But the white laborers at the South soon perceived that the employers gained by the dissensions among the unskilled laborers who were employed mostly in the cotton trades. They endeavored to form unions among the blacks with whom the white men could preserve friendly relations as far as their common interests were concerned. In this the efforts of the trades-unions seem to have been successful. In New Orleans and Savannah are several bodies of men, white and black, working peaceably together. The same is reported from Mobile, Charleston, and several cities on the Mississippi River. In Savannah, about 1881, a gang of six black laborers received about $20 per day, and a like number of white men $26. It is not clear whether this difference in favor of the white men was due to their greater diligence or to the power of their union. In New Orleans and Mobile wages are almost equal. The black people in Northern cities do not come

[1] The first Annual Report of the Labor Bureau of Michigan, 1884, states, page 188, that there was into the United States immigration of 215,000 unskilled operatives and 315,500 women and children.

into serious competition with white mechanics, because the division of labor assigns to the negroes the inferior pursuits. While the white American's aversion to personal dependence causes him to look with disdain upon all personal services, such as servants, waiters, etc., the negro is found very apt for such necessary positions in the national household. Yet we find that several trades-unions, fearing the competition of negroes in minor branches of their industries, have adopted sentences in their constitutions according to which negroes can be admitted to their ranks.

All this seems to indicate that the negroes, wherever they come into close contact with the masses of workingmen, are capable of being raised to the white man's standard of life. Therefore the working classes nowhere manifest such a deep hatred against the Africans as against the Mongolians. Wherever these were admitted the trades-unions were baffled in all attempts to influence wages in their favor. The standard of life to which the Chinese cling is so low, and their ideas are so averse to those of Europeans, that it is utterly impossible to bring about an understanding between the two races. At the same time the Mongolians are skillful, therefore dangerous as competitors; they form societies among themselves with the purpose of monopolizing whole industries. No wonder that the Mongolians are styled in laboring circles the "Yellow Pestilence"; and the war against them has been carried so far that the national government has forbidden the further immigration of the Asiatics.

The government has been very much assailed for this act. It was openly denounced as mere demagogism, intended to cheaply gain the good-will of the laboring population at the expense of the economic interests of the country, which are supposed to be identical with those

of the producers. It was asserted that the right of international migration (to go from country to country and to settle in business anywhere without restriction) was a necessary complement to the prevailing ideas of liberty and equality; that therefore the government could not establish hindrances to this individual prerogative without encroaching upon the sacred principles of personal liberty and equality. Humane reasons were also plentifully adduced. The action of the government in favor of white laborers was deemed harsh to the uncivilized and impoverished people of foreign blood, who are supposed to have as just claims upon the American household and its munificence as the domestic laborers. From an economic point of view, it was pretended that the interest of the American public economy depended upon the immigration of masses of foreign people, irrespective of their habits of life and intellectual capacities. It was deemed especially wrong that the American right of forming labor contracts anywhere with any stipulations was crippled by preventing employers from bringing hither laborers from wherever they saw fit. It was made a particular point that domestic laborers were making such exorbitant demands for wages as to endanger American production, against which there seemed to be no further remedy than the importation of "pauper labor."

All these arguments indicate that the question of unrestricted international migration has a close relation to the material interests of producers; but they do by no means satisfactorily answer the question, *why, in a conflict between class interests, the American government should without hesitation decide in favor of the producers' class.* The arguments of the manufacturers proceed from the mere supposition that the constitutional liberty which the government is bound to protect consists in the preservation of the

business system of unlimited competition—that is, disorder and arbitrariness in the national economy; that, therefore, the constitutional legislative powers of the government can only be wielded in the individualistic sense, which means, for the benefit of certain individuals, not that of classes. The law which abolishes the right of individual employers to form labor contracts in China, and the individual privilege to come under such contracts from China, was therefore declared a great infringement upon the spirit of the Constitution and a clear violation of the prerogatives of some citizens.

In the proper treatment of the question whether the government has an unequivocal right to regulate the laws on immigration, it should not be forgotten that Art. I., Sec. 9 of the Constitution reads: "The migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year 1808." This implies, if anything, that after the given year Congress has the power to prohibit the migration of persons into the States. In Art. I., Sec. 8, Congress is vested with the power of establishing uniform rules of naturalization. The latter act is in close relationship to the migration of laboring people, although the productive interest calls merely for the rights of settlement and the formation of labor contracts anywhere. Madison, Hamilton,[1] and other statesmen of the period preferred not to bind the government, in this respect, to fixed rules, thinking it better to leave the regulation of naturalization to the proper legislative bodies to act upon as circumstances should dictate. This indicates that the laws on migration and naturalization are not to follow from "eternal principles," which in our age happen

[1] Elliot's Debates, v. 398, 411.

to be in the interests of manufacturing individuals, but that they are to be framed in accordance with the interests of the commonwealth. After these interests have been consulted, it is time to consider the claims of the impoverished Asiatics, Italians, and Hungarians to our beneficence, and those of the employers to the assistance of the State for the procuring of cheap labor.

In taking this point of view, the question would be whether the interest of the commonwealth is identical with that of employers in importing cheap labor, or whether the commonwealth has an interest in the efforts of its laboring population to retain their standard of life. The answering of this question, in Manchester economic phraseology, does not hold against the plain facts which are evident even to illiterate men. To say that the happiness of the country depends on the measures which favor production, without the slightest regard to the distribution among the masses of the people, can no longer be recognized. The distribution of the national income from labor, according to the "natural law" of supply and demand, may be well for those who have the means of enhancing the supply or demand of labor as circumstances may dictate. But the truth is that the manufacturers of our nation are abusing the modern personal rights of free international migration and formation of labor contracts, to the disadvantage of the domestic laboring population. For the purpose of curtailing wages, they bring elements into our communities which break down the old moral principles of Christian cultivation. Business habits are being changed and the modes of private life among the lower classes are rapidly taking forms which will endanger the blood of our race.

The action of the Government in excluding Asiatics may be classified among the deeds of true statesmanship, of

which there are, alas! far too few on record. The economic conflict consequent upon the competition of the antagonistic races for employment at manual labor and some skilled pursuits were sharpened by the prejudices of blood; under the cover of cosmopolitan phrases, individuals abused the privileges of liberty and equality to the derogation not only of the American national economy, but also of the morals and modes of life of the older inhabitants; and the republican government had the courage to decide the all-important question according to the interests of the whole State, and not according to the individualistic view of economic things, perhaps in favor of interested manufacturers, nor according to humane notions, to the benefit of the "poor heathen." If ever the claims of workingmen fell together with the common weal, it was in this case. The laboring people should remember it, but by no means draw from this precedent a rule of conduct against all immigration, which is really at times greatly annoying to them.

The only principle which the government must hold is that of retaining for itself the liberty of action in each particular case of immigration. When and where the influx of certain nationalities should be stopped cannot be stated by a predetermined principle, nor by the accidental wishes of this or that class of the people, but only by the real circumstances of each case. Theories lead to extremes, and are not the guide in future cases of this kind; but the effects of the immigration of a certain nationality upon the common weal must be the guide in the decision of the question how far the government should abrogate the personal liberty of international migration.

8. THE TRADES-UNIONS AND THE LIBERTY OF MIGRATION AND IMMIGRATION.

Another impediment in the way of the trades-unions toward the formation of one general organism, with an understanding of national and individual economic wants, is the presence and continual influx of people speaking diverse languages, and holding opposite views in respect to the ultimate purposes of the labor movement. The active part of the German working population leans toward socialism; among themselves they are again split into factions. Some hold French ideas, and others propagate the more refined views of German socialists. The former think of abolishing the institution of property altogether; the latter want the productive capital of the country to be consolidated into one indivisible mass held by the state. The rank and file of German, Bohemian, and Scandinavian laborers simply cling to the trades-union as their sole protector in the present state of disorganization of the American national economy. They have no further ideals to inspire them. Generally they are on the defensive, but the spirit of aggression intoxicates them far too often, and they are drawn hither and thither, derided by their socialistic brethren, who, thinking themselves more enlightened than the rest, look upon the conservative mass of workingmen as backward people of dull comprehension.

English laborers, forgetting that they come from a country with a settled population of steady business habits, and blessed with a government which long ago recognized the errors of the Manchester economists, desire everywhere to imitate the English trades-union system. They want the shifty population to pay more attention to the formation of relief-funds and the preservation of a sound minimum rate of wages. They endeavor to regulate

the individual laborer's expenditures, and talk about arbitration instead of strikes. True, English ideas are well adapted to reconcile Americans with the trades-unions in general; they are of a nature capable to blunt the thorns in the common actions of the laboring classes, and enhance the public weal. But the English organization presupposes the English people, with their tradition, their country, government, manners and religion. The enthusiastic propagators of the English institution in America preach to a motley mass of workingmen with undecided habits and no social tie beyond the trades-union which is to them only a means to gain through common action.

The American laborer, finally, looks haughtily upon the strange notions of foreigners. He disdains the experiences of the laboring classes in "prince-ridden" Europe, and is of the opinion that he is in the world to teach the rest of mankind how to surmount, by "a patent ready method," the intricate problems of the present. Generally, American workingmen are of the opinion that they must look to politics for help in their aspirations. Given to secrecy and much ceremony in sworn lodges, their behavior is often an abomination to "atheistic" trades-unionists and socialists. Their dabbling with politics on one-sided views, as the Greenback movement, their frequent failures to gain by barter with local and state politicians, give sober foreigners much just cause for distrust in the capacity of the Americans for leadership in their movements. Yet they hold it everywhere, being quick of perception, ready to speak, and to move their joint meetings to action. Foreign laborers usually live among their kindred, in separate quarters of cities. They read their own newspapers, meet in public places with their own people, and learn no more of the English language than is necessary to get along in the workshop and on the street.

Being foreigners in America, they have their own social aspirations, and join reluctantly the Americans in their trades-unions. At the meetings they do not understand the speakers, are unable to follow the discussion, and frequently vote when not knowing the question. This makes them distrustful and cautious, and baffles the efforts of those few who know that only through union there is strength.

The obstacles to trades-unionism consisting in the diversity of opinions and languages among the American workingmen are somewhat overcome by national inclinations and aptitudes which divide the various industrial pursuits of the American economy among the different nationalities. The Americans themselves generally choose the mercantile branches, together with the higher pursuits ; they are manufacturers, engineers, agents, commissioners, officials, professional men, salesmen, machinists and iron-workers. Germans and Scandinavians have a predilection for the retail business, the skilled trades, especially those requiring art and knowledge; they are joiners, carvers, upholsterers, painters, lithographers, brewers, etc. The Irish, Italians, and Slavic nationalities are street, canal, and railroad builders, day workers, rag-pickers, etc.

But in large cities there are a number of trades, like the tinners, carvers, brush-makers, paper-hangers, and trunk-makers, which cannot be organized by nationalities, because the German, French, and others, are too weak to form trades-unions by themselves. This led in the course of time to the formation of trades-unions with national sections. The custom shoe-makers, tailors, cigar-makers, carpenters, stone-cutters, masons, bricklayers, and others have sections divided by tongues, with by-laws and newspapers printed in their own languages, and separate

relief-funds. The various sections are combined into one body by executive committees formed from delegates, who publish their orders in the various languages of their trades-unions. These sections being mostly grouped around certain shops, must bear the expense of the strikes ordered by themselves. Their general trades-unions assist only in cases of great emergency—provided always that the executive committee has been notified of the intended special movement.

There are a few trades which have been successful in forming national unions composed of laborers of like tongue; foremost among these are the German printers and cabinet-makers. The latter are said to have a trades-union comprising joiners, carvers, upholsterers, gilders, and varnishers. Of course, besides these German organizations there are also English unions of the same trades. They have mostly a fellow-feeling for each other, but cannot be called one body.

The great trouble with the various trades-unions is the migrating propensity of the whole laboring class of the present age. The Western cities are flooded with people from the East. Trades-unions in the Atlantic manufacturing districts have to contend with European newcomers, which form everywhere the grand reserve army of industry, always ready to fill the places of their brethren at whatever terms they can get. Thus they baffle not unfrequently the best efforts of the trades-unions, which do not at all look upon emigrants with a friendly eye. Therefore, it was feared that the labor movement, if successful in regard to the Mongolians, would be directed against the European immigration. But though the trades-unions are greatly inconvenienced by the European new-comers, it is not very likely that they will ever earnestly demand their exclusion. The majority of the la-

boring population is of foreign descent; almost every family corresponds with relations and friends in Europe, and these individual ties of blood and friendship utterly preclude the hope of those Americans who might be inclined to make the labor movement an instrument to keep foreigners away.[1] The open and general agitation kept up by the trades-unions against the importation of cheap labor, such as Italians and Hungarians with their low standard of life are willing to do, cannot be called an effort against free immigration. The laborers wish to limit the right of capitalists to conclude contracts with people living in distant countries, for labor to be performed in America far below the American standard of wages. And it seems that, even if the law of demand and supply were to remain the sole power to determine wages, *such one-sided corrections of the boasted economic "natural law" are decidedly unjust.*[2] It must be admitted that the migratory propensity of American laborers and the immigration of foreigners are weapons of the capitalists with which they defeat all attempts of the laborers to preserve their standard of life. The least that should be accorded them is the right to prevent capitalists from using such artificial

[1] In Massachusetts, a state which is least sought by emigrants, there were, in 1875, 351,113 voters; of these 69,271 were foreign born, and 79,126 foreign born male adults are recorded as not having been naturalized. See the highly interesting statistics of Carroll D. Wright, Chief of the Massachusetts Labor Bureau, contained in his Report of 1882, p. 95–189, which show the total number of inhabitants of each township and the number of foreign born voters and aliens.

[2] Mr. J.Mc Grath, Commissioner of Labor for the State of Michigan, says in his Report for 1884, p. 197: "Unquestionably, imported foreign labor is directed at competition with the native mechanic. .... Pauper labor exported from foreign countries is necessarily in direct competition, because it has no standard except to be kept from starvation."

means of increasing the evil, as the importation of "pauper labor" really is. Would it not be well to make employers who bring laborers from foreign countries and distant places into American communities and trades-unions responsible for the consequences—that is, for the indigent, sick, and helpless among them? Suppose the Harmony Mills in Cohoes, N. Y., saw fit to bring thither five hundred workingmen from New York or Germany to defeat the purposes of their employés who are settled there; would it be just to make the commonwealth of Cohoes responsible for all the misery and misfortune which would be sure to follow such an abuse of the prevailing liberty in trade? In our present arrangement the consequences of the antagonism between the industrial classes fall upon the counties.[1] They have to bear the burden of public hospitals, poor relief, and work houses,

[1] "During the year ending June 30, 1882, 238 discharged foreign born convicts applied to the Prison Association of New York for aid; up to December 31, 1880, 3831 children were committed to the institutions of the State of Rhode Island, and of these 2,191 were of foreign parentage; the Rhode Island Workhouse and House of Correction received 6202 persons, of whom 3011 were foreign born. An almshouse in Pennsylvania admitted during the year ending Sept. 30, 1881, 8851 persons, 4566 of whom were foreigners. An official Report of Dr. Kempster, Superintendent of the Wisconsin Northern Hospital for the Insane, shows that, in addition to the ordinary causes which produce insanity, there exist among immigrants the depressing influences of homesickness and overwork *and* under-feeding."—These are clippings from an article in the *Nation*, January, 1884. The writer says: "If we continue to receive great numbers of poor immigrants for years to come, a way must be devised for helping them to help themselves. To let them alone is to increase the burden of criminality and wretchedness, as well as of public expense, for crime and want are always tax-gatherers." — *How long before compassionate thinkers will lay the ax to the root of that evil, the democratic abuse of the liberty of migration?*

although they are not the cause of the misery created by the aggressions of employers and trades-unions upon the incomes of many citizens. For this reason, the *state* ought to have a decisive voice in all matters relating to the liberty of migration. Its abuse is the means of economic powers to compel those who are dependent on labor into submission. The weakly efforts of trades-unions against the liberty of migration are futile. They are apt to fall into the opposite extreme, of forbidding mechanics to work and settle among themselves altogether. This is the ancient guild despotism, from which European nations delivered themselves about one hundred years ago.

The idea of Adam Smith, of securing to the laboring people perfect liberty in the formation of labor contracts, is set at naught by the unrestricted modern liberty of migration. The blessings which were supposed to flow from the legislation granting free labor contracts are made a curse, by allowing capitalists to influence the population of hamlets, towns and counties through the abuse of the liberty of migration. The government of America will have to somewhat retard the latter in order to save the former. *Bread in peaceful homesteads for the right of nomadizing.*

9. THE TRADES-UNION AND TECHNICAL PROGRESS.

The greatest hindrance to trades-unionism consists in the modern division of labor which followed upon the invention of machinery during the past century. The strength of the ancient guilds was in the "mysteries" surrounding each craft. Every "green" hand had to learn them in a regular apprenticeship, and every stranger had to show by grips and signs, by words and deeds, that he was an "honest" craftsman, before he could be admitted to

the workshop. But now, as machines perform many difficult things once done by hand, the factories are open to children, women, and strangers. They can quickly be drilled into the practice of a few manipulations, which taken together with the operation of machines, take the place of the ancient mechanic. Thus the efforts of the trades-unions to limit the competition of the workingmen among themselves by drawing lines according to trades are futile. Were it not for the previously mentioned difficulties, this incapability of excluding "green" hands would be sufficient to baffle the hopes of those who think that the institution of the trades-unions could of itself solve the "labor question." Of course there are a number of trades in which personal skill and education preclude the possibility of employing anybody not properly apprenticed. These usually strictly limit the number of apprentices in their trades, and they generally control their labor markets. It is also true that every factory-owner is compelled, by the competition of others, to avoid the losses which will occur if the men performing simple operations on machines are supplanted by people who are untried. Therefore, the employers even hate changes, though they can be made easily. But if it comes to a conflict, the bosses would rather lose something and undergo the trouble of breaking in new hands than submit to demands made *en masse*, though they would frequently be willing to accede to the same if made by the laborers individually. And after the strike is over the workingmen are endangered by a new increase of their competitors, who, in their transitory employment merely to bridge over a strike, have acquired sufficient skill for the performance of simple operations. Indeed, the division of labor, in conjunction with the liberty of migration, puts an end to all aspirations of trades-unions to raise the laboring class permanently to the position of people

enjoying the means of economic self-maintenance. Firms in New York threatened by strikes can enlist idle men in Newark, Philadelphia, and Boston, and bring them at a trifling expense to take the place of the strikers. What do they care? If after a week the striking workingmen come to terms, the imported "blacklegs" can be dismissed. Let the counties take care of them! The state of our age, which proclaims the principle of non-interference in operations to turn the law of demand and supply in regard to labor in favor of the employers, must pay the expenses and atone for the crimes of industry perpetrated in the name of liberty or humanity.

The art of making shoes is broken up into about sixty various manipulations, each of which can easily be performed by almost any person of a moderate degree of intelligence. In the tailors' business there are separate cutters for coats, pants, and vests. The master tailors are reduced to the position of operators on sewing-machines. They own from one to twelve sewing-machines, some tables, irons, scissors, and perhaps a buttonhole machine. They live mostly where they keep their workshops, and the whole family is obliged to help. The butchers' trade is cut up into a large number of branches. A killed hog passes through fifteen different gangs of men. This has reduced the master-butcher to be a retailer of meat, and the journeymen are "hands." Furniture is made, similarly, by quite a number of separate hands. The pieces are roughly cut from lumber far away in the forests of Pennsylvania and North Carolina and sent to the large cities to pass from hand to hand until they are turned out complete furniture. Machines are employed at every stage of the work, so that there is hardly a cabinet-maker to be found nowadays who can make a complete table or a chair. Each of them performs only a minute part of the operation. It

takes about eighty men, each one trained to a special performance, to complete a piano.

The effect of this division of labor upon the industrial associations of our days is most deleterious. The lines around trades can hardly be drawn, much less held, against competitors. The carpenters' guild of ancient times would have to consist of a great number of trades-unions, each of which would be grouped around a small branch of a trade which any man could quickly learn; so that if a strike occurred, the employer could, for a time at least, easily get along with "green" hands from other branches of industry who happened to be idle. The apprenticeship system, in a great many occupations at least, shows little sense. It merely means a period of drill to accustom a person to certain manipulations. Journeymen become mere day-laborers; in making appointments, the preference is, of course, given to such "hands" as are used to the desired work, but almost anybody will do.

If we take this evil into consideration, together with those which arise from the liberty of migration, it cannot be wondered at why the American trades-unions cannot attain to the healthy and conservative organization of the English and Continental industrial bodies. There they send their superfluous labor away. Those who remain have constant employment. The trades-union there is simply the people organized in the simplest form for the preservation of charity and their material and political interests. Therefore the European trades-unions are permanent institutions—like the people themselves, well-settled and conservative in their wishes. The American trades-union is bound to absorb all the heterogeneous elements from Europe and the natural increase of a prolific population. The competitors of the domestic laborers are not only shoemakers, tailors, joiners, etc., who compete solely

with these trades, but the new-comers from all parts of the globe compete, through division of labor, with all the trades at once. In the mean time the valuable elements of the trades-unions go West, speculate or drop off somehow, so that finally it appears next to impossible to gain a permanent membership, without which an organization like the English cannot be thought of; and the only policy left to the unions is the one which they really pursue: to organize into bodies whomsoever they can get, no matter how low in technical skill or character, at the lowest possible dues—these bodies simply waiting a happy conjunction of circumstances to strike upon an unhappy employer or a set of employers who mostly work under contracts which the unions do not consider themselves bound to respect..

10. CENTRALIZATION OF UNIONS ACCORDING TO TRADES.[1]

The perusal of the wonted preambles to the constitutions of trade centralizations which unite the individual unions of mechanics engaged in the manufacture of the same product, teaches that the laborers are fully conscious, firstly, of their weakness against the above-mentioned evil influences arising from the unrestrained liberty of migration and immigration, as well as from the prevailing division of labor; secondly, of the futility of strikes and their aggressive policy in general; thirdly, that they seek to avoid these evils by uniting whole trades into economic bodies, extending their influence over all the States, and at the same time organizing political bodies, according to the existing geographical division-lines of counties and States,

[1] Compare the Reports of the Ohio Labor Bureau of 1877, p. 30–39; of 1879, p. 258; of 1881, p. 97-100; the Report of the Michigan Labor Bureau, 1883, p. 39–81; the Report of New Jersey, 1881, p. 109; the Report of Missouri, 1881.

composed of the laborers belonging to the various trades, who have their domicile at the given place.

Although almost every laborer belongs to both kinds of organizations, they are yet quite distinct from each other. We will therefore examine them separately, the more so as it seems as if the political bodies had, in the course of time, sprung from the purely trade-societies as another step toward their objects.[1] It is evident that the bodies which comprise all laborers dependent for their incomes on the same product resemble closely the ancient guilds. The latter included every man in a town or a county who could make a certain thing—say a shoe or a garment. The general trades-union aspires to the same thing; the only difference is, the "mystery of the craft" is broken up into many simple manipulations, performed by more persons, spread over a larger extent of country. The modern means of communication—telegraph, post, and railroad—might successfully overcome distance for the purposes of concentration. But it is very doubtful whether the compulsive power of a voluntary body of citizens living in a state with laws opposed to the interests of the laborers is sufficient to unite the many individuals into one solid and law-creating body like the guild, whose strength reposed in the moral standard of their men and their knowledge of "the mysteries."

But whether these combinations are successful or not, it is certain that they are the best fitted to form the nucleus of a reorganized national economy in which the interests of

[1] William H. Sylvis, who organized the first Iron Moulders' convention, July 5, 1859, at Philadelphia, and the first National Labor Union, expresses the general idea of these essays in his motto: "We must show them, that when a just monetary [economic] system has been established there will no longer exist a necessity for trades-unions."—The Life, Speeches and Labors of W. H. Sylvis. Philadelphia, 1872.

the community preponderate over those of individuals. If, for example, the Amalgamated Iron and Steel Workers of the United States, who are composed of about forty different trades-unions, were in council, it could be said that the best men of a complete industry were united and would certainly take into consideration *only* and *solely* the interests of the whole body, and not perhaps allow "drag-outs," or "nailers," or "puddlers," etc., to strike, or commit any act of aggressive violence against the interests of all the others. In truth, if this body contained also the delegates of the employers, we might safely state that the intellect of the iron and steel industry were assembled, competent to legislate on all questions pertaining to their trades, because they have a common interest in their standing in the world's market; they are able to gather and put in intelligible form all the facts and figures pertaining to their products and their means of production; they know what is right and wrong in their workshops, and they can give better advice in regard to tariff questions than the prejudiced theorists who treat intricate legislative questions, which should be determined from case to case, each by itself, in a general and superficial way. How could a council of laborers composed of a shoemaker, tailor, and blacksmith, determine what is right or wrong in a printing-office? what amount would be equitable wages for compositors, pressmen or feeders? The idea of some trade federations passing judgment on questions of this nature is as preposterous as the notion that a national legislature composed of lawyers and real-estate owners could with equity decide on economic issues and tax and tariff questions. But if compositors from all branches, pressmen, feeders, bookbinders, stereotypers, and electrotypers, form one deliberative body, they could certainly be intrusted with power to regulate wages and working

orders for their own pursuits. The individual unions would then no longer make use of every favorable conjunction to disturb the equilibrium of production. In the presence of national legislative bodies composed of productive groups, it would be impossible for Philadelphia producers to go to New York or inland hamlets with their work, first to profit by cheap labor, and then to have the greater part of paid out-wages returned to them by dint of the abominable truck-system, which is a means to drain the life-blood out of laborers under the sanctimonious cloak of patriarchal providence.[1] Agents of inland manufactories could no longer undersell concerns situated in cities; and the habit of taking work at indescribably low prices in the hope of finding cheap labor, would come to an end.

Also, putting checks to the unhealthy competition which grows upon the abuse of the liberty of migration is like putting heavy weights on the process of over-production, decreasing the frequency and hurtfulness of business crises. They will give more stability to the population, and by regulating the consumptive expenditure of the working classes, tend to take the apparent aimlessness out of the national economy.

The laborers thus united by productive groups extending over the whole country are in the best position of the world to gather reliable statistics on the state of their trades in all parts of the country. This gives them valuable knowledge of their labor market. Their traveling funds enable individuals to go from place to place. Thus the unions can withdraw their "commodity" labor from the places where there is no demand, and offer it where they are sure to sell it. The so-gained liberty of the working class to make use of favorable conjunctions and

[1] See the excellent investigations and remarks of James Bishop, Report of the New Jersey Labor Bureau, 1882, p. 6–9, 81–85; 1883, p. 126.

to withdraw their supply of labor whenever it is necessary is an important step toward placing the workingman on a level with the employer in the formation of labor contracts. It removes to a great extent the deleterious effects of the modern idea that labor is a commodity like boots and shoes, and that liberty consists in the privilege of selling it at any price and at any place. Only with a general trade organization at his back can the laboring man think of retaining his manhood in a community doing business according to the system of free competition.

It also seems almost impossible that a general organization of productive groups could encourage a wages-policy which aspires always to maximum rates. Suppose the compositors' trade happened to be very brisk in New York, because, perhaps, there was a new daily paper or some considerable undertakings in the book line; can it be imagined that the Amalgamated Bookmakers of the United States would consider this a sufficient cause to advance the price of composition everywhere? No! The result of such an organization would necessarily be the adoption of a conservative wages policy for the preservation of a healthy standard of life. If this were once made the ultimate object of the trades-union, then the supervision of individual consumption and the establishment of ever reliable relief-funds for individual unions would follow of themselves, as the migration of laborers from place to place is made to a great extent unnecessary by the establishment of uniform rates of wages everywhere.

Facts and figures also seem to verify the statement that the trades-unions comprising all their productive branches are economic forces with strength to accomplish much in the way of warding off uncalled-for competitors, although they cannot by themselves institute another and more equitable mode of distribution than the one in use,

because this is in close connection with the fundamental laws on property. The strength of these combinations is most clearly shown in the Southern cities, where a populace composed of whites and blacks are engaged in common manual labor, to learn which does not require a long apprenticeship. The men engaged in the shipping of cotton are composed of longshoremen, who unload railroad-cars and stow cotton in boats; the draymen transport it to the cotton yards; the yardsmen unload the wagons and bring it to the presses and scales; the scale-hands put it on the scale; the weighers attend the process of weighing; the pressmen have the pressing of the cotton-bales in charge, and the screwmen stow the cotton on board the boats. Each of these classes has a trades-union by itself, together with a relief fund. The eight trades-unions are united into one body, with an executive committee at the head, composed of one or two members of each individual union. No strike is permitted without the consent of this committee. The negroes were formerly always inclined to underbid the white men, but since the formation of this "ring," they receive equal wages in most places, or the differences are very small. The strength of the laborers is actually so great that they fully control their price. If a shipping firm dare to face a strike with one trades-union, it would have to contend with all of them, which is very difficult and tiresome; while at the same time strangers have good reason to fear the united trades-unions, which numbered in 1881 about eight thousand men. This united body of men has also great political influence. The Legislature of Louisiana passed a law forbidding foreign sailors to work at the shipping business in New Orleans. In Galveston they agreed with the merchants on nine hours as a day's work, and received for it $6 on the wharf and $5 outside of the port; the

workingmen are paid in full, no deduction being allowed for delays caused by the weather or other accidental circumstances; only members of the society are employed as long as there are any; no gang of five laborers is allowed to stow more than seventy-five bales of cotton per day; a minimum is not granted; consequently a full day's labor is paid, no matter whether seventy-five bales of cotton are stowed in half a day or fifty in three-quarters of a day.

Another union of this class is the Cigarmakers' International Union of America. They have one executive board in New York, which has almost full control over the funds of the individual trades-unions throughout the country. The New York office collects all the news on the state of the trade in general, as well as on particular difficulties in individual shops. It decides within twenty-four hours on the admissibility of local strikes, and grants, if permission be given, pecuniary and moral support to the contending union. An official journal is published in the English, German, and Bohemian languages, containing, besides articles on general economy, all the news of the trade, the official orders, proposed amendments, fines imposed, names of delinquents, and those who have received traveling cards, correspondence, reports from shops, etc. The April number for 1884 contains the information that the union has expended for charitable purposes during the month of February $6,213.87. The article concludes with the words: "It is well to study these figures from month to month, for they convey a lesson on the practical benefits of organization more eloquent than words." We might encourage the employers and those classes which are not directly interested in the feud between labor and capital to do the same thing.

Are those who are doing such work in the way of self-help, abominable revolutionists, socialists, and nihilists?

Is it just to say that the Christian virtues have left the humble workers because they evidently shun the clergy, who are known to preach nothing better for our earth than quiet submission to wrongs done by certain classes, under the cloak of personal liberty; who proclaim the Manchester-system of equality in iniquity a heaven-born American liberty?

It is, for our present purposes, unnecessary to further dilate on these organizations. They are all identical in form and purposes. Their platforms, laid down in preambles at the beginning of their constitutions, acknowledge the strike to be a double-edged sword, and point to a more or less definite plan of overcoming the difficulties of the cause of labor. But, well-meant as their efforts are, the statistical information gathered by reliable labor bureaus affirms the pessimistic idea that voluntary organizations deriving their strength merely from moral suasion cannot withstand business crises of indefinite duration. Though in times of prosperity the individual trades-unions swell their ranks with those who hope to gain a trifle, the decline as quickly reduces their lists. The *sauve qui peut* too often rings through their lodges, and again, if they have the power, their organization does not influence the general trait of human nature, to make the most of their chance, and—*après nous la deluge:* "after us the flood."

The laborers, left to themselves in the best-planned organizations, are but combinations of crippled citizens, who hope to find in their unions a crutch as good as a sound limb. Their tribulations arise from the unbridled abuse of the contract system. This is determined by the prevailing system of personal rights, to change which is the business of the state, acting through the government. The theoretical discussions and social controversies, the numberless plans and ideals for the benefit of the working

people, have for this reason no value, if they are not carried on with the view of reforming the fundamental economic legislation of the state. So far, the Manchester economic theories and Roman jurisprudence have furnished the substance of our laws. The government was the power, by virtue of the conspiracy and other laws, to compel the ever-reluctant people into the acceptance of the unnatural Manchester business habits to suit the learned theorists.[1] The great service which the united trades-unions can do to America, consists in their reaction against the errors of our age ; in the reformation of popular business habits, in pointing out the unnaturalness of individual isolation under an economic arrangement which increases the number of persons participating in the turning out of each product ; in proclaiming loudly against the *salubrity* of the system of rights which is nourished from the Pandects and vague ideas about individual, inborn privileges, but not from popular volition.

Better times will come when jurisprudence becomes a complement to the science of national economy; when

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[1] The recent decision of the Supreme Court of New York, declaring the bill to prevent the manufacture of segars in tenement houses, unconstitutional, is an interesting illustration of this sentence. Although it is evident that an important part of the commonwealth demands this law, a judge of the Supreme Court sets it aside ; and to fortify his decision adduces some passages of Adam Smith's gospel of personal liberty and equality in iniquity, as a Turk would cite his Koran. To think that an Englishman, who wrote a book a hundred years ago to suit *his* time and *his* people, rules the decision of American judges who are to say what is right or wrong in conflicts among American sovereigns ! Will not submissive sovereigns and sagacious judges, if they need authorities to guide them in questions of common interest, make themselves acquainted with the progress of the sciences of political economy and jurisprudence since the days of Adam Smith ?

statesmen make the wants of the economic bodies of the nation their text-books and their foundations; when the state draws its government from the productive groups of the country, who are the guardians of economic interests.

II. CENTRALIZATION OF INDIVIDUAL UNIONS IRRESPECTIVE OF THEIR TRADES.

In consequence of the difficulties of the individual trades-unions, arising from the division of labor, the unrestrained migration of the population and continual immigration of foreigners, as well as from the diversity of language and opinion among the laboring classes, so-called trades assemblies have been formed in New York, Cincinnati, Chicago, Detroit, San Francisco, St. Louis, Denver, Leadville, etc.—in short, almost everywhere where many laborers are working at various industries. These federations, or assemblies, or trades-councils, consist of delegates from the various trades-unions of their districts without regard to their particular calling. The number of delegates from each union depends on its strength. Regular monthly and quarterly dues are apportioned according to the same measure. The delegates elect their regular officers and special committees for unusual business. National organizations of the laboring classes upon this basis were attempted in 1881 at Pittsburgh. The federation of organized trades- and labor-unions of the United States was formed, composed of delegates from various assemblies. They meet once a year to determine the position which laborers are to take in regard to the political issues of the day. This body is governed by a legislative committee composed of five persons.

The Patrons of Husbandry may be mentioned as belong-

ing to this class of unions. The National Grange—so they collectively call their lodges—was formed in Washington, in 1866, and in 1875 there were 24,290 subordinate granges, with 763,263 members. They are mostly farmers, and resemble closely the ancient guilds, as described in the first essay of this book. Indeed, to read their constitutions and official documents, is like reading, in modern language, the revelations of the spirit of solidarity in the documents of the old Anglo-Saxon "Frith-Guilds" and "Peace-pledges."[1]

The avowed purpose of these local and national organizations is to prevent the competition of the laborers at various industries among themselves, and to organize the laboring people as a class for the purpose of inducing either ruling party to pass laws relieving in some respects the insecurity of the laboring man's subsistence, caused by the system of modern free competition. The trades-councils render financial assistance to individual unions whenever they strike with permission of the general committee. They act as arbitrators in difficulties among the various unions under their jurisdiction, and are mostly very earnest in their endeavors to allay threatening strikes by proffering their services as mediators between employers and workingmen. Their political ends consist in procuring legislation in the various States: first, to shorten the day of labor; second, to protect children and females working in factories; third, to appoint factory inspectors; fourth, to abolish the truck system, convict labor, and tenement-house labor; fifth, to secure the institution of labor bureaus.

There are, in the United States, several centralizations belonging to this class which have almost *identical practical*

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[1] Compare McGrath's Report of the Labor Bureau of Michigan, 1884, fol. 71, and the newspaper of the Order, *The Grange Visitor.*

purposes, and vary only in their platforms or declarations. There is the Central Labor Union, the International Labor Union, and others which speak more or less in their platforms about the highest problems of human society; some are clear and distinct professions of socialism, others are verbose and obscure. Candid observers ought not to judge the labor movement by these declarations, but by the above-mentioned real legislative purposes. The platforms are mostly gotten up by men who cannot express complex ideas in simple words. Inspired mechanics do not nowadays, like the apostles, receive the gift of concise, grammatical expression. Besides this, too much has been said by the American organizers to flatter and satisfy the idealistic notions of the French and German laborers of a socialistic turn of mind. The latter, again, consider it their special mission to propagate their economic faith among the unenlightened Americans, and the socialists deem the insertion of a plank of *their* creed in the platforms of American trade federations a real progress. All these circumstances should be taken into consideration by those who try to understand the labor movement.[1]

The truth is, that the socialists have very little real influence in America. Not even where the labor movement "maddens to crime," as in the Pittsburgh Railroad strikes, can it be shown that the socialists were the instigators of the riots. After the movement was in progress, some socialists thought that "their time had come." They held sympathizing meetings in several places; but it can be said that even the most extravagant of them kept away from the trouble, and one socialistic meeting closed with the resolution to remain passive during the turmoil. Karl Marx

[1] See McGrath's diagram in the Michigan Labor Report of 1884, on p. 59, and his information on the subject, p. 77.

himself, the author of "The Capital," which is a scientific representation of the socialistic doctrine, denounces trades-unionists as "little bourgeoises." This is simply because trades-unionism is based upon the preservation of the institution of property, and aspires in every one of its measures to the recognition of skill and knowledge as forms of property, which the state, as grantor of all possessions, is also bound to protect. It is by no means the aim of trades-unionism to abolish private ownership of the productive capital of the country, but to preserve it by imposing solemn duties upon those who are intrusted with the office of administration over the means of production. Whenever these united laborers strike, they strike for their homes, for their wives, for their children, and not for the dissolution of the home. Chartists and socialists want to be the rulers of the state, thinking their ascension to power identical with the cessation of all earthly misery. Trades-unionists want a legislation by the state in its monarchical or republican form, which will protect the laborers against abuse. The exercise of justice strengthens the government and nourishes sympathy in men of various classes. Socialism endeavors to bring skilled labor down to the standard of the unskilled; trades-unionism raises a new middle class of well-paid, highly educated laborers in place of the "little masters" of former times. That the unions at present in their ranks treat good and bad workmen alike is merely a war necessity, which they themselves desire to overcome. Unskilled labor is a dangerous instrument against skilled labor as long as employers are inimical to the labor movement and always on the alert to make use of all chances which opportunity brings along, to weaken the trades-unions. Therefore, it can be said that employers by their enmity compel the trades-unions to coddle and support the uncouth elements in their ranks. Workingmen who

clamor for apprenticeship-laws are not responsible for the presence of thousands of half-finished workers who are unreliable in their moral and technical qualifications; but the modern free state, which, with its preference for individual notions, removed all *regulatives* in this respect to favor the producers' interests, is responsible for the deficiencies of its laboring people. The skilled man looks contemptuously upon the "botcher." But the trades-unions, which struggle to preserve the standard of life of the average workingmen, cannot overlook the danger which would beset their cause, if they should, in the present state of economic development, disregard the unreliable portion of the working classes.

It is furthermore evident, from the platforms of the semi-political trades-federations of America, that they want to add strength to the existing laws, and increase the rights of the commonwealth to the detriment of personal arbitrariness. Is this the beginning of nihilism and socialism, which hold in contempt laws and authorities? Is the trades-union, in its charitable work and in its endeavor to put its members on a basis so that they can help themselves in weal and woe, a forerunner of the socialistic arrangement which proposes to help all individuals through making the state a huge corporation with salaries to all its members? The peace of England was preserved during the revolutionary period, in the first half of the current century, by the trades-unions; for Chartism could not prosper where conservative workingmen fostered respect for property and endeavored to have skill and knowledge recognized as a kind of property yielding an income as well as property in land and tools. Where trades-unions distribute the national floating capital by holding high the income from labor for a healthy consumption—the standard of life—there cannot be found people who think that the

public weal would be enhanced by consolidating the whole productive capital of the country into one indivisible mass.

The trades-union compels its members to self-restraint for common purposes, and endeavors to secure laws which exercise a similar influence upon the rich; it lends its aid to secure the rights of possession, and aspires to pronounce the duties which sanctify riches. But socialism teaches abrogation of the laws and the rights of property altogether; the duties which it teaches the poor are to abolish the differences of possession, and the rich it asks to strip themselves of their wealth. Indeed, workingmen who clamor for laws preserving order are not to be identified with men of the same class who clamor for anarchy. If the trades-unions implore the state to compel the factory or mine owners to be humane and spare the laborers' life and limb, they are not mutineers against their officers in the industrial army who must be punished; but they are simply men with nerves and tissues like their well-dressed generals, manifesting themselves as beings who resent the foot that spurns them, and feel pain like the worm that is trod upon.

The trades-unions want to remove that which makes riches a curse to far too many souls — *the absolute dominion* of individuals over the productive capital, which is in no case a product of individual exertion. And they are right in this endeavor, for the notion of *absolute dominion is not natural to our people;* it was adopted from the old Roman laws, and inoculated upon the ancient Germanic habit of treating the rich possessors of lands and tools as if they were trusted stewards in the public household, with solemn duties in the use of their office. Manchester philosophy and democratic liberty have made of most of our rich men arbitrary gamblers with the national wealth and the laborers' health. Thus the confidence of

the industrial army in its generals has been sorely shaken. After the battles of a rising industry had been fought, the weak and wounded found themselves surrendered to the hyenas of the battle-field. The state not having provided for them, they organized for self-help. Their first crude weapons were strikes; now, in their concentrated movements, they endeavor to find wiser means for a better end. Of course, they frequently err, and in ill-advised undertakings hurt themselves and others.

But these mistakes are not sufficient cause for thinking men to turn away from the laborers and to condemn their movements as sinful and uncalled-for. Good citizens should bear in mind that the gospel of materialism—individual liberty—has robbed the working people of their religious ideals, their freedom, their bread and butter. Faith, hope, and charity have been argumented away from the real world of business, and replaced by a fiendish spectre —the law of supply and demand.[1] But though materialistic employers can deprive their "hands," in dingy shops and dreary tenements, of sunlight, pure air, and water, they cannot take from them the double-edged

[1] There may be many Americans who deem these sentences mere exaggeration. These are referred to the following works: Fielden, The Curse of the Factory System, London, 1836; Gaskell, Artisans and Machinery, London, 1836; Mayhew, London Labor and London Poor, London, 1852; Alfred, History of the Factory Movement, London, 1859; Ludlow and Jones, Progress of the Working Class, London, 1867; Speeches by the Earl of Shaftesbury, London, 1869. The most important are the Parliamentary Reports from the beginning of this century down to the present day. Those who can read German are referred to the works of K. Marx, Engels, Roscher, L. Brentano, Thun, Hild, Glogner, Schmoller, A. Franz, and numerous others.

For American purposes, the most reliable sources of information are to be found in the reports of the various Labor Bureaus of the United States.

sword, the art of reading. Therefore, they cannot reduce the workingmen to the condition of Tschandalahs and Pariahs. Let the state look to it that they do not become Thugs and Tigers!

12. UNION OF LABORERS AND EMPLOYERS WITHOUT TRADE DISTINCTION.

The plan of uniting the laborers and sympathizing citizens, regardless of trades, into sworn confederacies may be called a genuine American method of overcoming the difficulties of voluntary organization on the basis of trade connections. The Order of the United American Mechanics and others of former years, which were partially based on narrow, protestant and nativistic principles, have been placed entirely in the shade by the Knights of Labor, who were organized in 1869 by Philadelphia weavers, and quickly extended over the whole country. The secrecy and ceremoniousness of their proceedings, as well as their generous treatment of foreign laborers and organized trade bodies, may have enhanced the growth of the order as much as the general convictions of American citizens that political results can be obtained solely by movements of large masses. The officials of the order speak of 2,500,000 members, and claimed in August, 1882, fully 1890 lodges. Of course, it is most likely that large numbers were derelict, without having been dropped from the rolls during the severe crisis following the year 1873. But whatever may be said about the actual strength of the Knights of Labor, this seems certain, that they represent the largest number of American workingmen united with one purpose and one will, being at the same time well provided with means and widely circulated newspapers.

The lodge or local assembly consists of laborers of all

trades living in a given neighborhood. But the idea of incorporating organized trades-unions, or societies speaking a foreign language, as independent assemblies is not at all excluded, but even encouraged, if they are found willing to give up their connections with other general labor organizations. By these means it is hoped to overcome the prejudices of nationality and religion, which are so dangerous to the cause of labor.

The local assemblies elect one delegate for every hundred members to form the district assembly, composed, regardless of geographical lines, of at least five local bodies. The district assemblies elect the general assembly, which is the highest authority for all matters pertaining to the order. Differences between members and lodges can be carried through the intermediate to this, the highest court, for the settlement of individual and social conflicts. The general assembly watches over the constitution, which can be changed only by a two-thirds majority of this body. It issues traveling and transfer cards, and gives grips, signs and passwords, valid for the whole union. The business of the general assembly is carried on by a grand master-workman and an executive board composed of five members. They have control over the funds of the society, and are bound to guard the observance of all prescribed duties as well as the proper carrying out of all principles of the order.

The Knights of Labor employ regularly appointed missionaries, who travel from place to place for the purpose of enlisting individuals and fully organized trades-unions for their cause. They also muster in employers and persons belonging to other classes but, strange to say, refuse lawyers, bankers, and saloon-keepers. Three quarters of their whole number of members must consist of wage-workers.

13. SUMMARY OF THE PURPOSES OF POLITICO-ECONOMIC ORGANIZATIONS.

The platform of the Knights of Labor expresses, in the main, the purposes of all the organized wage-workers of the United States, though they do not agree on the methods of organization. The fact that some platforms appear more or less extravagant in their ultimate designs, cannot modify the conclusion that the one selected here for analyzation represents truly the drift of popular volition in the United States.

DECLARATION OF THE PRINCIPLES OF THE KNIGHTS OF LABOR OF NORTH AMERICA.

The alarming development and aggression of aggregated wealth, which, unless checked, will inevitably lead to the pauperization and hopeless degradation of the toiling masses, render it imperative, if we desire to enjoy the blessings of life, that a check should be placed upon its power and upon unjust accumulation, and a system adopted which will secure to the laborer the fruits of his toil; and as this much-desired object can only be accomplished by the thorough unification of those who labor, and the united efforts of those who earn their bread by the sweat of their brow, we have formed the Order of the Knights of Labor, with a view of securing the organization and direction, by co-operative effort, of the power of the industrial classes; and we submit to the world the objects sought to be accomplished by our organization, calling upon all who believe in securing "the greatest good for the greatest number" to aid and assist us:

1. To bring within the folds of organization every department of productive industry, making knowledge a standpoint for action, and industrial moral worth, not wealth, the true standard of individual and national greatness.

This preamble, together with paragraph 1, sets forth the apprehensions of the laboring classes and their determination to give up the individualistic principle of action for that of solidarity, as a better means to secure economic self-maintenance and individual happiness. (Compare Essay V., page 53.)

2. To secure to the toilers a proper share of the wealth that they create; more of the leisure that rightfully belongs to them; more society advantages; more of the benefits, privileges and emoluments of the world; in a word, all those rights and privileges necessary to make them capable of enjoying, appreciating, defending and perpetuating the blessings of good government.

The second paragraph demands for the toilers a *proper* share of the net surplus of the national economy. This is neither the socialistic consolidation of the accumulated productive capital of the nation with the exclusion of private property therein, nor the communistic division of the common wealth according to the notions of some *sans culottes*. If the net surplus of the national economy must be increased before a greater share thereof can be given to each individual workingman, it is necessary that the productive capital be increased. This cannot be done by attempts to extort more products from nature and labor, nor by curtailing the individual expenditure of the latter by dint of decreasing wages; but the object can be accomplished by *the organization of the national economy*, which will increase the productiveness of each laborer and decrease his wasteful consumption, by adding to the motives of self-interest those of honor and duty, which can influence the individual will only and solely through associations. (See Essay VII., page 90.) The increase of the productive capital presupposes also an economic legislation influencing the present production toward a decrease of the manufacture of luxuries and an increase of articles of productive home consumption. *All of this is equivalent to the legal recognition of industrial communities and a revision of the economic laws so that the benefit of communities will precede the rights of individuals.*[1] (Compare page 290.)

[1] To illustrate this sentence: If at present the laborers have been successful in obtaining protective legislation, as in the tenement-house bill, the laws are brought before the Supreme Courts, which usually decide, "That such laws are against the holy rights of personal

If the national economy is prosperous and the surplus sufficient to meet all demands, but withheld from the reach of the laboring classes so as to create an inequality of the incomes and possessions of external goods greater than the diversities of mental gifts and the general purposes of civilization call for, then the above-mentioned demand implies a change of the laws which give shape to the present mode of distribution by means of free competition. (See Essay VI., page 60.) The statutory individual rights which give to free competition in business its modern deleterious character, are the laws granting *absolute* personal liberty of migration and immigration, the *unrestricted* choice of occupation; second, the laws *granting equality* to capitalists, children, women, the aged, and people of foreign birth; the laws granting *unrestricted* private ownership in the means of production, consisting in floating and fixed capital, as machines and raw material, etc., as well as in real estate, including forests, mines and roads. Furthermore, the laws of the present statute-books which give most cause for just complaint are those granting *absolute liberty of forming labor, rent and interest contracts*, as well as those enabling accumulations of wealth during ages without labor. If it be admitted that the above valid laws grant the present *modes of acquisition*, and the unlimited and absolute possession of thus-gained wealth, then it can be inferred that the cited demand of the laboring classes for another and to them more satisfactory mode of distribution of the national surplus, together with an increase of the same, *is equal to the modification of the laws on personal liberty and equality, as well as those granting abso-*

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liberty and property, and, are therefore unconstitutional." This will be reversed in future, and the courts will ask whether the individual rights of manufacturers are to be subordinated to those of the communities affected by the individual privileges.

lute individual ownership of the national means of production.

3. To arrive at the true condition of the producing masses in their educational, moral and financial condition, by demanding from the various governments the establishment of bureaus of labor statistics.

4. The establishment of coöperative institutions, productive and distributive.

The demand of paragraph 3 expresses the fundamental condition of organizing the American national economy in order to shape it into a systematized organism, in place of the present anarchy and nihilism. Economic legislation and the determination to what degree and where the modification of the fundamental laws is to be made, are utterly impracticable without reliable statistics. But, instead of general labor bureaus for single States, as New York, New Jersey, Massachusetts, etc., which give a view of the economic conditions of geographical sections of the country, there ought to be instituted labor and statistical bureaus for the various productive groups in America, of which there may be twenty; for example, there ought to be one each for the mining and smelting industries, the fisheries, tanneries, quarries and earthworks, the metal-workers, etc. By the aid of labor bureaus so organized, workingmen could regulate wages and the demand and supply of labor; capitalists could invest and produce according to plans based on figures and facts; and if each of these bureaus was under the supervision and in close connection with the United States Census Bureau, the statesmen of the country might be enabled to devise legislation which would be in accordance with the real condition of the national economy, whereas legislation is now mostly adapted to suit preconceived abstract theories and monopolies.

The second proposition, in regard to coöperative establishments, is merely a sentimental expression of the

desire to solve the labor question on the basis of the evil which caused it—free competition. The further elucidation of this supposition of many Christian philantropists is out of place here.

5. The reserving of the public lands—the heritage of the people—for the actual settler. Not another acre for railroads or corporations.

This paragraph is merely important to show that in the opinion of the laboring classes not even the government possesses absolute power of disposal in the property of the State. As to the subject-matter, there is much to be said about the wisdom of the government assisting private companies to build railroads leading to uncultivated regions of a country which is the terminus of an extraordinary stream of immigration. It is also rash to style the advance of the price of railroad lands, caused by the action of the respective companies, derogatory to the national economy and the private husbandries of those who settle on their lines.

6. The abrogation of all laws that do not bear equally upon capital and labor; the removal of unjust technicalities, delays and discriminations in the administration of justice, and the adopting of measures providing for the health and safety of those engaged in mining, manufacturing or building pursuits.

7. The enactment of laws to compel chartered corporations to pay their employés weekly, in full, for labor performed the preceding week, in the lawful money of the country.

8. The enactment of laws giving mechanics and laborers a first lien on their work for their full wages.

9. The abolishment of the contract system on national, state and municipal work.

11. The prohibition of the employment of children in workshops, mines and factories before attaining their fourteenth year.

12. To abolish the system of letting out by contract, the labor of convicts in our prisons and reformatory institutions.

13. To secure for both sexes equal pay for equal work.

14. The reduction of the hours of labor to eight per day, so that the laborers may have more time for social enjoyment and intellectual

improvement, and be enabled to reap the advantages conferred by the labor-saving machinery which their brains have created.

These paragraphs call for a better judicial system than the present one, which is based on principles of individual equality. Here we meet the general fallacy of our age, that the absolute *legal* equality enables every one to fight the strife of competition under equal conditions; whereas it is a *formal* inequality which men of various classes require to establish among them a *real equality* in the strife of existence. Various and essentially differing laws are required for capitalists and laborers; employers, journeymen, women and children, debts to capitalists and laborers, are to receive an unequal treatment at law; the "free" contract system is to be interfered with to favor wage workers, etc. (Compare Essay VII., 76-80; XII., 210-215.)

10. The substitution of arbitration for strikes, whenever and wherever employers and employés are willing to meet on equitable grounds.

This paragraph contains a re-assertion of the often-repeated sentence, that the laborers dislike strikes and wish to avoid them. If this is to be taken for granted, and the organization which enforces demands upon employers is to be continued, it becomes evident for the statesmen who wish to reconcile the adverse interests of all classes in the unity of the state, *that the formation of courts for the settlement of class conflicts is in place*, the same as we now have courts for the settlement of individual conflicts.[1]

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[1] The author does not share the hope of some, that voluntary Courts will, on critical occasions, appease class-conflicts, because they are *bodies having judgment but no will-power*. Those who are interested in this question are referred to a valuable pamphlet of Carroll D. Wright, On Industrial Conciliation and Arbitration. Boston, 1881. It contains within 173 pages a summary of the experiments made with arbitration in Europe and America.

15. To prevail upon governments to establish a purely national circulating medium, issued directly to the people, without the intervention of any system of banking corporations, which money shall be a legal tender in payment of all debts, public or private.

This means, that the laborers consider the government to be the *only* proper organ to provide the state with a circulating medium.

In summing up the case, we find that the American labor movement has for its immediate object:

1. The modification of the laws granting absolute private property in the national means of production.

2. The modification of the laws granting absolute liberty and equality to persons of different age, sex, and wealth.

3. The formation of courts with jurisdiction over all conflicts arising from violation of class interests. (Compare the essay on the essence of modern liberty, page 58.)

Leaving the question, whether a legislation in this sense would really insure a better distribution of the national income, for future treatment, we will close our remarks on the nature of the American labor movement with the observation, that if the above be really the object of the working citizens of the United States, it certainly behooves our statesmen to take the matter in hand; for the above delineated reformation is not for any of the voluntary organizations to accomplish. It is and remains the task of the compulsory organization of the state through its arm, the government.

14. THE LABORERS AND THE INSTITUTION OF PRIVATE PROPERTY.

It is evident, from the declarations of the organized laborers, that they do not share the notions of modern economy and jurisprudence, according to which the rights of private property are absolute, deriving their validity

from the so-called innate natural rights of the person, or from some principles beyond the laws. The idea underlying every form of social reform proposed by wage-workers is, that the state, *i.e.*, society organized for all the purposes of life, is the creator, preserver, and increaser of all wealth; that, therefore, the state only has absolute control over all forms of property; that hence the state can at any time determine in which way the inherited wealth shall be preserved and administered. From this it appears that if the state sees fit, for the purposes of the common weal, to have the common wealth administered exclusively in the form of private property, it may do so. But if the changes in the technics of the national economy, or in the population, etc., require the limitation of those things which can be held absolutely, the state is also perfectly justified in enacting laws to that effect. If organized society—that is, the state—considers it to the purpose that, for example, *private* property in banks, roads, railroads, telegraphs, schools, water-works, posts, etc., be abolished, and that these institutions be made *common* property, there is no further objection to be made. The wage-workers' general idea is that the institution of private property was made because the common wealth was best preserved and increased by it; but it was not made because the individual interests were best enhanced by the operation of the laws granting individual ownership of particles of the common wealth. If, then, the common wealth is in any way deleteriously affected by the privileges which the institution of private property naturally gives to the shareholders in the national business concern, then it is claimed that the state has the right and sacred duty to define the terms under which the individual members can continue to exercise the rights connected with the institution of property. This is the case with the present factory regulations, etc.

They are conditions limiting absolute ownership in the productive part of the national wealth.

The main objection against this opinion is, that the national wealth would be sorely jeopardized, if the institution of private property and the privileges dependent thereon had not a more valid origin than the volition of the state, expressed in laws through its government. It is asserted that laws and governments are mutable, and that the actions of bad governments might endanger all and destroy the social structure. This seems plausible, but in this argument also is visible the popular mistake of confounding the government, an organ, with the body, the state, which is undoubtedly never endangered to a greater degree than by falling into the hands of a wicked government.

It seems rather doubtful whether a theory of natural rights, according to modern ideas, or a theory attaching the institution of private property to the first occupation or cultivation could save property, if the organism of state were to fall apart and leave behind it anarchy. There simply is no grantor of the common wealth and private property beside the state. Its establishment roots in men's moral nature, and unless this be subverted, nations will find means to remove the afflictions caused by bad rulers or popular errors. Even if thieves form a band, the better to pursue their nefarious craft; if robbers meet in secluded places, they form among themselves a sort of state to suppress the egotism of its members. So will men, instinctively, as it were, after each period of anarchy, gather again in organized form, build up a state with some kind of government, and again enact laws which *grant* the common wealth in the hands of its administrators, who are the members of the state.

By what right was property held when the French kings of the past century took in the form of taxes from their

subjects whatsoever they could lay their hands on, merely to spend it with their aristocracy in licentious revelries? "*L'état c'est moi*," said the king; therefore there was no other grantor of the property beside the king. What became of the fine theories about the sacred rights of private property, when the storm of 1789 confiscated all and set the guillotine to work? There was no organized society to grant every man his own. "We are the state!" said the maddened laborers, and they spilled the blood and despoiled the treasures of the nation, merely to make more firm the usurper's chains. Where were the learned theories from the Roman law, after the Prussian conqueror had left the French capital in 1871? And where was the much boasted American respect and even awe for the sanctity of property when the infuriated mob of New York in 1864 set fire to the city and stole whatever was movable?

Where is the sanctity of the institution of private property, if kings and aristocrats can sequester it through the process of taxation or subjugation; if swindlers and dealers in "recognized humbugs" can acquire it by imposing on the credulity of a deluded populace? Where is the sanctity of the institution of private property whenever the ineradicable moral sense of the plain people compels them *to abhor the modes of its acquisition?* Who dares reproach the helpless toilers if they despise the theories which are to give inviolability to the accumulations of capitalists which have their origin in timely corrections of the "eternal law" of supply and demand in the labor, stock or grain market? Who, in the name of manhood, dares blame the simple laborers if they despise a state and its government which is bound by those theories hand and foot to the will of some individual possessors of the inherited national wealth; which empowers them, under the laws perpetuating the modern system of free

competition, to absorb every year to a greater degree the net surplus of the national economy?

Of course, those people who so often pride themselves on their wisdom, "because they have something to lose," will consider these expressions as sheerly socialistic, although there is a perceptible difference between a proposition to abolish the institution of private property and one to sanctify it by removing it beyond the abuse of evil-disposed persons.

Interested citizens may seal their ears against the proposition that the institution of private property stands *under* the law, and not over and above the legislative power of the whole state; but they will not deny that all nations have, in their economic and moral progress, frequently changed *the number of things* which could be held in private property, and still more, especially among nations of Germanic blood, *the conditions* under which property could be held: real estate is hardly anywhere at the absolute disposal of its owners. But still more, it is evident that after the invention of the art of printing, after the idea that mechanical skill was not only private but even public property came to be abandoned, the civilized nations deemed it morally just and economically correct *to create a new category of private property, the spiritual*, which finds recognition in our copyright laws. To this was added, in the course of time, the kind of property in skill which manifests itself in the invention of new mechanical contrivances, which idea is recognized in our patent and trade-mark laws. Is skill, manifest in the creation of a new contrivance, any more than skill which creates things long in use? In other words, is the skill of an inventor more to a state than that of a builder of things invented long ago? Now, if the institution of private property is derived from the nature of men, or from

first occupation, or from labor, how can states through their legislatures change the number of things permitted to be owned by individuals, or add new ones thereto, of which nations of former ages had not the remotest idea? Why had the nations living before the institution of patent and copyright laws nothing in their natures which prompted them to declare these things private property? Why were the negroes classified among the things covered by the "sacred" institution? why are they not now?

Even now, after the notion of *absolute* private property has been preached for more than a century, our statutes justify the sequestration of private property if the common weal demands such an act; therefore, the state *takes* the house of a man which stands in the track of a railroad; it *takes* the slaves from enemies, and *destroys* their property. Declaring itself responsible for the preservation of the property of its citizens, as is shown in the various acts passed to indemnify individuals for losses by war, riot, etc., it *compels*, in times of famine, the holders of edibles to distribute them (as in Paris, in 1872). The government *seizes* infected cattle; *compels* the payment of war taxes, and even *drafts men* to defend the state; and all of this for the common wealth, which is held to be of greater importance than that of the individual.

Indeed, if we desire to be candid, we must own that the notions of plain American citizens concerning property are correct. The state grants private ownership in the various kinds of property for the sake of the common wealth, and is therefore entitled to make changes in the laws pertaining to it; whereas it is the assertion of the "dangerous classes,"[1] among the rich as well as of righteous, well-to-do citizens, that the state is built

[1] A term employed by the Rev. Howard Crosby, in a well-meant article in the *North American Review*.

up merely for the sake of individual property, on which, it is supposed, the individual and common weal depends. In short, it is the notion of the laborers that the institution of property stands *under* the law; while the possessing classes pretend that private property, howsoever acquired, stands *above* the law, compelling the state to be merely and solely a protecting power of the individual privilege to use or abuse, or to destroy property; to increase the individual share of the common wealth by barter and sale, rent or loan, with interest as high as circumstances will permit; to acquire and to hold it by donation or heritage; to accumulate as much as possible, without limit whatsoever, in the hands of one family or corporation.

True, these rights are the consequences of the prevailing ideas on the institution of private property. Through them, the much-complained-of process of absorption is going on in our national economy; and, therefore, it is again evident that egotism, if left unrestrained by the state, will devour its own creation—the common wealth. We have disregarded the interests of the latter—therefore egotism destroys the institution of private property which created the common wealth, by consolidating the productive wealth, so that the idea of the average citizen's partaking in it is entirely excluded. (Compare Essay XIII.)

15. FUTILITY OF THE PREVAILING THEORIES ON PROPERTY.

Since the inauguration of the period of enlightenment, there has been a general desire to reduce every science to one sentence, from which, as it were, the whole system of instruction could be deduced, and which would serve as a basis for the institution of human society. The most important

of these sentences, which are called principles or theories, is that of the modern school of economics and jurisprudence, which simply bases the institution of private property upon the nature of men, and deduces the laws regulating the same from the hypothesis that absolute control over corporeal things is necessary for human happiness on earth. It may be true that to have private property is a desirable thing; but some teachers of our race, who are undoubtedly not conversant with Manchester economics—as Jesus Christ, the Apostles, and even the heathen Buddha—aver, together with the earnest philosophers, that the institution of private property is not at all necessary for our happiness. But allowing, even, that these religious and philosophical teachers are one-sided in their views regarding property, the best that an average common-sense being can say about it is, that private property is only one of the forms in which a man can assert his intellectual life to further his happiness. Whether it is the best, remains an open question.

Besides, it is certain that socialists find the theory which bases the institution simply upon the nature of man, without which he could not prosper, a very convenient invention to give cause to their revolutionary schemes. For if the institution of private property be really necessary for human happiness, it devolves as a peremptory duty upon governments to see to it that every person gets property. Thus the prevailing system of rights and that diametrically opposed to it of the socialists can at once be justified by the natural theory without in the slightest degree straining it.

Another strange feature of the natural theory is, that it treats the most diverse kinds of property according to the same rules. There is movable and immovable property for simple use, part of which is consumed at once, part in ten or a hundred years, as edibles, clothing,

and dwelling-houses. Then there is property consisting of the means of production, as currency, machinery, raw material, etc. Serving the same purpose, but inseparably connected with the soil, are the improvements on arable lands, factory buildings, and other technical applications. There are also various kinds of real estate in great cities, towns, villages and the country; besides mining property, natural pastures, fisheries, hunting-grounds, and watering-places. Finally, there is property in rail- and plank-roads, streets, etc. The natural theory on property simply postulates that all these various things must be held for the sake of human nature in private property. This is rather sweeping; for though it can be understood that human nature requires food as absolute property, it cannot surely be maintained that the nature of a man compels him to own the coat which he wears. He can loan it as well as his lodging, for which the great majority of persons pay rent. If the private possession of tools, factories, railroads and ships were a requisite of man's nature, we could not blame socialists for endeavoring to procure property of this kind for every man. The truth is, that in real life we find millions of laborers who never obtain more private property than what they need to consume to-day; yet they live as well as the many producers who have no property in the productive agents with which they work. Far too many loan money on machines and land and lead a precarious existence under the theory which justifies the institution of private property through the fiction that they can be happy only and solely through its existence. The socialists say that the state ought to own all the means of production. Would the producers be any worse off if they had to pay interest or taxes for the use thereof to the government instead of the capitalist?

Without entering any further into the details of these views, we can safely assume that the best lesson which

is to be derived from real life consists in this sentence: *That it is desirable for the elevation of human nature, and the increase of the common wealth, to give to individuals a chance of acquiring private property in the requisites of production.* It does not follow from this that the framing of the laws according to the idea that individuals should hold *absolutely* their share in the productive property, really opens this opportunity to all men. The truth is, that the modern legislation proceeding from the above idea has accomplished the reverse: it has decreased the chances of every succeeding generation to participate in the private ownership of a particle of the common wealth. Therefore it must be admitted that the state which grants absolute private property to increase individual happiness is entitled to limit the rights connected with the same, if the purposes of the state demand it. For, the institution in its present form is not something which rests immutably in human nature; nor is it in the nature of the common wealth to be preserved solely through the institution of private property therein; but it is an historical institution, adaptable to the purposes of the state, which must change with the varying conditions of individuals and are determined by the moral and economic changes of the people. The most dangerous thing that a government can do is to disregard these evident changes, and to cling, in the formation of laws on property, to a preconceived theory which, ignoring the experience of ages, precludes all progress in the state and breeds dissolution in stagnation.

The oldest theory upon which economists have based the mode of holding absolute control over external things is the Roman, according to which the first subjection of a thing under a person's will gives a clear title to it. Another very plausible one is of modern origin and serves

to justify equally the opinions of the Manchester school *and* socialists; according to this, labor gives an absolute right to a person to do with its product what he pleases.[1] Is it not strange that these two theories are supposed, each in its way, to justify the absolute right of individuals to have and to hold for themselves whatever they first subjected to their will or whatever they made, thus basing the institution itself upon a fact; while it must be self-evident that before a person can acquire land by mere occupation or cultivation, or new property by labor, the institution of private property must have been previously adopted by the powers granting titles to individuals. A state can decree that the cultivation of waste lands shall entitle the cultivator to hold them; discovery of new climes or conquest may give valid titles in the land and its wealth to the participators in these *acts of acquisition;* likewise a state may enact that economic labor shall give a person a share of the common wealth. But all these various modes of acquiring property cannot be considered as the *cause* of the legal institution of private property in common wealth.

Mere occupation of land does not always give a title consistent with the prevailing ideas of justice; and labor can only then entitle to private ownership, if such an institution as private property existed previously.

Besides, the occupation theory is not fitted to the present age; there is among civilized nations hardly any piece of land which is not occupied. Whatever value there is in the theory is applicable merely to the conditions of na-

[1] The oldest known law which embodies the labor theory we find in the Institutes of Menu, the ancient legislator of the land of the Vedas: — He states, Menu ix., 44: "Sages, who know past times, declare that a cultivated field belongs to him who cleared the land and plowed it; as an antelope belongs to the first hunter who deadly wounded it."

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tions on uncultivated soil, like the European at the time of the Roman rule. As to the ultimate justice of the claims to private property on the strength of first occupation, there is not much to be said in answer to the socialistic opinion that, just because rich families have possessed and enjoyed their land for centuries, they shall now make way and give it for the benefit of those who were unhappily born after there was not an inch of land to be occupied. If mere theories grant property, then there is hardly any cause to deny a hearing to the theories of those who were born within the present time ; their ideas are certainly of as much value as the theories of men who occupied and owned the American soil some centuries ago. In the highest sense of justice, it must be owned that the persons who want to nationalize — that is, sequester — the land for the benefit of the laboring men living now, are every way just as good as the emigrants who sequestered the land of the Indians under charters of the British kings. What were their theories? What are Henry George's? Anything, but not the principles of justice, upon which the institution of private property is to be built. The simple fact of occupation does not give an incontestable title to property in land. There is a gulf between individual acts and common rights. The socialistic proposition to sequester all the lands for the benefit of the laboring class is in its nature an occupation of property like that of the first settlers of America. The former want to take it, for civilization's sake, from the old families; the latter took it, also in the name of civilization, from the aboriginal tribes. Therefore there is no element in the theory of first occupation which has a claim to perfect justice. For this reason, no system of rights guaranteeing absolute private property in the common wealth can be built upon this notion. The best it can do is to justify a certain mode of *acquiring* property under special conditions.

Not much better than the ancient Roman theory is the more modern one, which bases the institution of private property upon the sentence, that a person has an unquestionable right to do with the proceeds of his labor whatever he please. This theory also suited only the requirements of a time in which there was no division of labor, and no production beyond the bare necessities of life. But the present complicated productive system is based upon the minutest division of labor. Aside from the utter impossibility of determining the proper share of an individual in the joint product of labor, it is self-evident that the present economic system, with its division of labor, is the result of the laws granting absolute private property in the means of production. Such legal recognition of the institution of private property *precedes* the possibility of acquiring a share of it by labor or otherwise. In the common course of things it is not individual labor which caused the legal institution of private property, but rather the reverse is true: the laws guaranteeing private property enhance economic labor. The institution is a means, but not an end. The increase of the common wealth—consisting in the cultivation of the soil, as well as tools and other means of production—is the object of the state in enacting that the national wealth shall be held in *private property* by the individual members of the state—not perhaps in *common property* by townships, guilds, or other corporations.

Therefore, it is the preservation and the increase of the common wealth, and not of the individual's, which ought to be the guide of economic legislation. As this object can be attained only and solely through labor, it is of the greatest importance that the law-giving powers enhance its productiveness by all means. The civilized states have done this, in the course of centuries, by abolishing by degrees every trace of personal bondage on one side; and by releasing one class of property after the other from

being held as the common property of townships, churches, or corporations of all kinds, and placing the same as private property within the reach of individuals. This mode of treating the common wealth has been persevered in, until now, as in America, a nation of perfectly free men stands in view of a common wealth obtainable by each individual member of the state as private property. The endeavor of each individual member of the state to acquire a share of the common wealth has increased it a hundredfold. This is true, but it is an illusion to say that those who toiled for the increase really hold it. The institution of absolute private property, which was supposed to distribute the wealth through free competition, according to the highest principles of justice, has done the reverse. The labor theory with its idea, "Give every one his due," as the *foundation* of the institution of private property, is a mistake; it binds the state to individualistic views. The organization of society in the state's form is the *foundation* of the institution of private property and every other institution. The idea of justice, which is the real essence of the labor theory, should be the *ultimate purpose* of the state and its law on private property. It is the problem, the remote ideal of the state, to shape the laws so that the distribution resulting therefrom will be, as far as can be measured, according to each man's desert. The prevailing spirit of our laws on private property is to concentrate it in the possession of a few families. The laws regulating the contract system, heritage, superannuation, interest, rent, etc., determine the distribution of the yearly surplus of the national economy, so that the lion's share thereof falls into the hands of those who hold the means of production; and among these it is absorbed by the greatest consolidated masses of productive wealth. How, then, can we, in the face of these truths, affirm that the institution of private

property is over and above the power of the state, when it is a realization of the principle of justice that every laborer is entitled to the *absolute* control of the proceeds of his exertions?

The manufacturer who, under the "free labor contract," pays the legal claims of his workingmen in the products of labor, and then boastfully calls the latter the proceeds of *his* labor; yet he strives to establish a moral claim beside his undoubted legal right thereto, and he uses for this purpose the theory that labor gives him the moral right to have and to hold all the goods acquired by heritage, loan, barter, hire, or sale. The socialistic laborers, who also, under the "free contract" system, sell their stock in trade, use the same theory to claim *all* the manufactured goods. In order to make sure that they really get them, they even propose, on the same wonderful theory, to sequester all the means of production. Both parties forget that they did not, each by themselves, create the productive capital, nor the coveted surplus of the joint labor. The operation was performed by the whole people, organized in the state's form, to grant the safety of business intercourse through its laws on personal liberty, property, heritage, contracts, etc. Yet both capitalists and laborers persist in their strange endeavor to find a sentence which gives them a higher right to their property than that recognized by the law. The capitalist talks about labor and accumulation through self-abnegation, and deduces from this act the duty of the state to protect him in the right to do with the so-acquired property whatsoever he please; whereas, the state ought to protect individual possession of property only as long as the holders manage it to the benefit of the common wealth. The workingman says that labor is the source of all wealth; in proof of this he cites the ancient story of the first cultivation of the soil; or he states, with a grave

mien, that even the searching for berries or the hunting of game was fundamental labor; from this he deduces that he and those who are laboring now are fathers of all the wealth, therefore moral owners thereof, asking the state to legalize their strange claims. The capitalists and workingmen forget that behind their theories there must be another one granting private property in what was acquired by original labor and self-abnegation. As a complement, they require the theory on first occupation, which is also insufficient. And all seem to be unconscious that the maxims of government on Robinson Crusoe's happy island are not well adapted to the requirements of the modern state, which has grown in intricacy with the public economy which it is to protect.

Whence, then, comes the desire to justify the institution of private property and the absolute rights attached thereto by means of a "sacred" principle which enwraps, as it were, the economic legislation of the state? Whence the clamor of others to do away with it altogether, or to remove, for example, land from the list of things which can be held in private property? Does the organized human society require a law behind the state's law? Is a supreme power necessary to protect human institutions of which that of property is only one? Suppose it were so, would a simple sentence, a theory, be the strong thing to bind the legislative organs of the state to the protection of institutions which the will of the people declares unfit for their purposes; or to release the state from its obligations toward its members? This seems doubtful.

There are people among us—monopolists and socialists—who make earnest assaults upon the legal institution of private property. The former consolidate the productive capital of the nation through acquisition in as few indivisible bodies as possible; the latter conspire to make the

productive capital a common property of the state. Both remove the means of production from private reach. For the average citizen in many occupations there is already, at the present stage of development, no such thing as private property in the means of production, simply because monopolists have grabbed them. Danger to the common wealth results from both of these evils, and the vulnerable point in our present economic system is the general disregard of *the modes of acquisition.* The average producers (anti-monopolist) and organized workingmen propose to revise the laws upon which the present business intercourse is based, because the corporations and many individual producers under the sanction of these laws, swell into enormous economic bodies, which stifle all individual business life. The proposed revision of the laws *regulating the modes of acquiring private property* is by many thinking business men mistaken for an attack upon the institution of private property itself; or they even fear that if they once acknowledge the supreme power of the state over things pertaining to individual property: or the modes of acquiring it—which is business—then there will be no end to the interference of the state with business, until the institution of private property is gone from our codes, and the wealth which it was to protect from our state. This fear of judicious business-men is based upon the fact that the laboring classes have through the ballot a predominating influence upon the institutions of the state. Therefore, the possessing classes, who see the untenableness of the present condition, grope in the dark in search of strong theories to do what formerly the Church could perform—overawe the intellect of workingmen in regard to private property. But the trouble is that they have been taught to read and think; and the average citizens will learn that in matters affecting the human will as much as the income from labor, on which

the daily bread of important classes depends, it will not do to evade the vulnerable part in the outgrowths of the laws on private property. This is the prevailing mode of acquiring private property; we call it the business system of free competition. It is based upon the idea that the institution of private property grants to the holders thereof privileges predominant over the life-interests of whole communities, especially over those of the working classes. The abominable ways of acquiring as private property disproportionate shares of the national income, do not grow any better by applying to them the term "natural"; the operations of demand and supply do not become "natural laws" by edict of Manchester economists. And if the state dare declare these natural laws immutable, they will certainly rouse the human law of resistance by virtue of the human law of self-preservation.

If the institution of private property be really based upon the theory that labor gives absolute dominion over its products, does this justify the private property acquired by unpaid or only half-paid labor; by gains from the formation of monopolies, or abuse of privileges, such as were granted to build railways, etc.; by gains from mere speculation in necessary things, or values? A superficial glance at the labor theory and the factors which enable individuals to acquire private property in the above-stated ways, will convince every candid man of the crying injustice of the business system under which they prosper.

The modern free state offers to the non-possessing part of each generation the privilege of competing with the individual members thereof for employment, which is their legal mode of acquiring private property from the total income of the national economy. According to good authority, the number of these non-possessing competitors increases faster than the national income is turned into

productive capital held as private property by others. From the complicated nature of modern industry and the necessity of coöperation between innumerable grades of physical and mental working-capacities with capital and land, arise insurmountable difficulties in the determination of the quantity which would eventually constitute the really equitable share of labor in the national product. Aside from this difficulty, the system of free competition stigmatizes the attempt of labor to name what is considered an equitable remuneration as unnatural. It simply gets over the difficulty by postulating that the "free" contract determines the really just price for each performance. It is boldly averred that in the price arrived at by the free contract, the law of supply and demand distributes the proceeds of the national economy, in the most natural and therefore in the most just manner, among the participators in the production.

But *before* the present non-possessing generation came to acquire private property by labor, all the means of production—in fact, the whole common wealth—had been placed in the private property of a minor part of the whole people. In the formation of labor contracts, the possessors of the accumulated wealth are free; the competitors for labor are under the constraint of finding subsistence. What a perversion to call the contracts thus formed *free*, and the price arrived at, for the same reason, *just!*

New property distributable through the operation of "free" contracts is produced upon the basis of the laws granting private property in the national productive capital. The distribution of the newly produced property must always be in proportion to the shares of private property in the productive capital, because the holders thereof (the producers) have in the "free" labor contract settled with the laboring class. Competition among the producers for private property from the national product depends also on

the size of each competitor's share in the previously accumulated productive capital. One man owns $5,000 worth thereof, another $5,000,000. Competition among producers is therefore *not free*, it is determined by the laws of the state granting absolute rights to those holding private property. To say that the price of goods which results from the desire to buy or sell is a just price, while the laws on private property entitle holders of goods to do with them what they please in order to influence the law of demand and supply, is not comprehensible. The general effect of the laws giving absolute privileges to those holding private property is, that the "law of demand and supply" and the "free contract" system distribute all newly-created wealth exactly in proportion to the accumulated quantities of private property in the common wealth. These are so many magnets to which the file-dust of trifling profits on the current labor must speed.

While, now, our laborers enjoy with the producers the personal rights of liberty and equality, their want of private property in the common wealth deprives them of the privileges which the prevailing *absolute notions* about property connect with the institution. These privileges, generally speaking, are the result of legislation according to the all-pervading idea that the interests of industrial communities, of towns and provinces, yea, even of the nation, are secondary to the interests of the individuals possessing private property. This notion really invites the abuse of the laborers in the curtailment of the share which might be turned into their private property; or of the public in forcing monopoly prices.

As really just wages are no certain quantity which can be easily deduced from facts or principles, there is a great chance for some laborers to reduce the wages of many of their class for individual gain (by foremen, subcontractors, etc.). Private property thus gained is not

sanctified by the "labor" theory. Producers competing for low wages may exert influences really destructive of "free contracts," and the hope of gaining by labor private property. They can import Italians, Hungarians, etc., can lengthen or shorten the hours of labor; can pay when and how they please—all this because the institution of private property grants *absolute individual rights*. But at times even workingmen can extort unreasonably high wages and exercise a pressure upon producers which will act very injuriously. In short, the absolute rights attached to the institution of private property create in the American national economy a state of anarchy. The quantity which is to become the private property of each member thereof is determined by arbitrary economic powers. They derive their strength not directly from the institution of private property itself, as socialists teach, but from the privileges which modern nations have by degrees attached thereto, in accordance with the absolute theories of the Roman law. The Germanic nations always adapted their laws on property to the various kinds thereof, to the purposes which it had to serve, and to the economic and moral condition of their people. Private property was but a legal institution for the benefit of the common wealth. The latter, therefore, was the first consideration in every legal enactment touching property. The individual benefit was considered only as far as it was identical with that of the common wealth.

Thus we see that the very existence of the arbitrary economic powers within our national economy is a national injustice, superinducing individual unrighteousness in every direction. They luxuriate in the legislation according to the system of free competition which legalizes all modes of acquiring private property; and this system roots in the theory that private property endows the holders thereof with absolute rights.

The organized bodies of producers and laborers in the American national economy are, therefore, morally and economically correct in their opposition to the absolute rights of property. Their abolishment is not socialism, but true American patriotism. *The constitutional ideas of liberty and equality will be realized when the privileges connected with the holding of the requisites of production as* ABSOLUTE *private property are abolished.*

To state how, when, and where the necessary reforms in the American codes are to be made must be left for a future study. Besides, it is very doubtful if a government like that of the United States, having no better sources of power than a loose party organization, could be trusted with the task. It lacks the good-will of the majority of the people which is composed of various minorities. Before the United States can think of timely reform, they must have a government which is deeply anchored in the moral and economic life of the people. In the words of Fisher Ames, "the splendid ruins of George Washington's American state must be rebuilt." The good material for this noble structure are the organized average producers and united skilled laborers of the country. Where is the architect?

APPENDIX.

FROM TOULMIN SMITH'S COLLECTION OF ENGLISH GUILDS.

THE GREAT GUILD OF ST. JOHN OF BEVERLEY OF THE HANSHOUSE.

THURSTAN, by the grace of God Archbishop of York, to all the Faithful in Christ, as well now as hereafter, Greeting, and God's blessing and his own.

Be it known to you that I have given and granted, and, with the advice of the Chapter of York and Beverley and of my barons, have by my charter confirmed, to the men of Beverley, all liberties, with the same laws that the men of York have in their city. Moreover, be it not unknown to you that the Lord Henry our king [Henry I.] has, with a good will, granted to us the power of making this [charter]; and has, by his own charter, confirmed our statutes and our laws, after the manner of the laws of the burgesses of York, saving what behoves to God and St. John, and myself and the canons; that so he might uphold and enlarge the honour of the alms-deeds of his predecessors. With all these free customs, I will that my burgesses of Beverley shall have their "Hanshus"; which I give and grant to them in order that therein their common business may be done, in honour of God and St. John and the canons, and for the amendment of the whole town, with the same freedom that the men of York have in their "Hanshus." I also grant to them toll forever, for xviij. marks a year; saving on the three feasts on which toll belongs to us and the canons, namely, on the feast of St. John the Confessor in May, and the feast of the Translation of St. John, and the Nativity of St. John Baptist. On these three feasts I have made all the burgesses of Beverley free and quit of every toll. This charter also bears witness, that I have granted to the same burgesses free right of coming in and going out; namely, within the town and beyond the town, in plain and wood and marsh, in ways and paths and other easements,—save in meadows and corn-fields,—as good, free, and large as any one can grant and confirm. And know ye, that they shall be free and quit of any toll through the shire of York, like as the men of York are. And I will that whosoever gainsays this

shall be accursed, as the manner of cursing is in the church of St. John, and as shall be adjudged in the church of St. John. These are the witnesses:—Geoffry Mirdoc, Nigel ffossard, Arnold Perci, Walter Spec, Eustace son of John, Thomas the provost, Turstin the archdeacon, Herbert the canon, William the son of Tole, William of Bajus;—before the household, both clergy and laity, of the Archbishop in York[1].

This charter is followed by another, granted by Archbishop William the successor of Thurstan, confirming, though in different words, the substance of the former charter, and granting free burgage to the town and burgesses, and that they shall have a Guild Merchant and the right of holding pleas among themselves, the same as the men of York have among themselves.

Then follows a confirmation of these two charters, by Pope Lucius, in the following words:

Lucius, Bishop, servant of the servants of God, to his beloved children the men of Beverley, Greeting and Apostolic Benediction. The charge which we have undertaken moves us to listen, and readily to yield, to the right wishes of those who ask; and our well-known kindness urges us to do so. And because we make the Redeemer of all men propitious to us when we give careful heed to the just demands of the faithful in Christ, therefore, beloved children in the Lord, giving ready assent to what you ask, Your Liberties, and the free customs which Thurstan and William of happy memory, Archbishops of York, are known to have piously and lawfully granted to you, as is found in authentic writings made by them, which have been confirmed by our dearest son in Christ, Henry the illustrious King of the English, We do, by our apostolic authority, confirm, and, by help of this present writing, we do strengthen; decreeing that no man shall disregard this our confirmation, or be so rashly bold as do aught against it. And if any one dares to do this, let him know that he will bring down on himself the wrath of Almighty God, and of the blessed Peter and Paul, Apostles. Dated, xiij. kalends of September [20th August; no year is given].

This confirmation by Pope Lucius III. is followed by a very long charter of Richard II. dated January 30th, A.D. 1379. It is what is called an *inspeximus* charter, and is of curious historical interest, inasmuch as it sets forth (as having been "inspected") charters of Edward the Third, Edward the Second, John, Edward the First, Henry

[1] Thurstan was chosen Archbishop of York on August 14th, A.D. 1114. It is said, in the "Chronological Index" to Rymer, that this charter was granted A.D. 1132; but no authority is given for fixing on that particular year.

the Third, Richard I., Henry the Second, and Henry the First, with the names of the witnesses to several of them; many of the latter being names illustrious in the history of England. These charters confirmed the liberties granted by the charters of Archbishops Thurstan and William, and also, in express terms, the right of the Guild merchant to toll, Hanshouse, etc. The object of the charter of Richard II. is to re-affirm all the charters which it states to have been thus "inspected."

In Beverley, as in York, there was a guild of Corpus Christi; the main object of which was there as in York, to have a yearly procession of pageants. It was, like that of York, made up of both clergy and laity. The ordinances begin by stating that the "solemnity and service" of Corpus Christi were begun, as a new thing, by command of Pope Urban iiij. and John xxij. The ordinances are of a much more common-sense and liberal character than those of the guild of Corpus Christi of York. Help is to be given to brethren falling into want. In case of quarrel between any brethren, the rest of the guild must use their endeavors to restore a good understanding between the quarrellers.

THE TAILORS' GUILD AT EXETER.

CHARTER OF EDWARD IV.

By these Letters Patent, the King, for himself, his heirs and successors, so far as he has power, enables his lieges of the Craft of Tailors in the city of Exeter, to establish a guild of the men of the said craft, and others; to maintain and increase it; and to choose a Master and four Wardens. They may wear a livery, and hold meetings and have feasts, and make such ordinances as they think best. The guild shall be a Body Corporate, and have a Common Seal, and may plead and be impleaded by the name of the Body Corporate. The Master and Wardens shall control the guild, and amend the misdoings of any of its members or their servants. No one shall have a board or shop of that craft, unless free of the city, nor shall any one be let join the guild unless known to be good and faithful. The Master and Wardens shall have a general control over the craft of tailors, and over others joining the guild, and their crafts, and may, with the consent of the Mayor of the city for the time being, amend all defaults found. None else shall have such control, except the said Master and Wardens, or the Mayor and his deputies. Given at Westminster, on 17th November, 6 E. IV. (A.D. 1466.)

[Below is written] : —By writ of privy seal, and by authority of Parliament, on the date aforesaid, and for forty shillings paid into the hanaper.

[A fragment of the Great Seal still remains attached to the original charter. This charter is recited at full length in, and confirmed by, "*inspeximus*" charters of Henry VIII., Edward VI., Philip and Mary, and Elizabeth.]

ORDINANCES OF THE GUILD. (ABSTRACT.)

To the worship of God, and of our Lady Saint Mary, and of St. John the Baptist, and of all Hallowies, these are the ordinances of the guild, established by the consent of the craft of tailors, of the city of Exeter.

First, it is ordained, by virtue of the charters granted by our sovereign Lord the King Edward the iiij., the vj. year of his reign, that the master and wardens shall meet regularly, in the common hall, to deal with the affairs of the guild. And every warden that is absent without cause shall pay a fine, which will go to the use of the aforesaid craft. And that the masters and wardens be there regularly Thursday at 9 o'clock, and there to rule and keep order for the benefit of the aforesaid fraternity and craft.

It is also ordered by the Master and Wardens and the common council aforesaid, that every full craftsman, worth 20l., shall belong to the guild, and shall pay 12d. a year for the feast; and also pay for his livery within a month after Midsummer. He shall also give a silver spoon weighing an ounce, and made in fashion.

It is also ordered that every craftsman outside the liverymen of the aforesaid fraternity and guild, shall pay 6d. a year.

It is also ordered that there shall be a feast on St. John's day, and every person that is a member of the fraternity and craft shall pay 8d. towards it, and every servant at wages paying 6d. Other brethren shall pay 4d.

It is also ordered by the master and wardens and members of the fraternity and craft, that payment shall be made by free sewers [*i.e.* stitchers]. Whoever is employed for 15 days, shall be made a free sewer; and his master shall pay his 20d., or find surety.

It is also ordered by the masters and wardens that bonds shall be forfeited on non-payment of dues; but those fallen into poverty shall be released, and shall be helped.

It is also ordered by the master and wardens aforesaid, that if any brother of the aforesaid fraternity and craft despise another, calling him names, or using bad words will have to pay a penalty.

It is also ordered by the master and wardens and the whole fellowship, that if any brother of the aforesaid craft, take clothing from a Lord, knight, or journeyman, out of the city without permission

from the masters and wardens, he will have to pay a penalty for the first charge made against him; and on the second charge will be expelled from the fraternity and craft.

It is also ordered, by the master and wardens, that there shall be four days of regular meetings of the guild, and that every brother of this craft shall assemble in our common hall. And, on those days, the oath, the ordinances and constitution shall be read, all being held on the "day of Thor." After the master and shopholders have dined, the free sewers shall have the fragments of the feast.

It is also ordered, by the master and wardens, that every shopholder and freesewer, shall spend something, and he that is not present shall send his money by the Bedell.

It is also ordered by the master and wardens and the whole craft, that no man of the craft shall hold more than 3 servants, and one apprentice at the most; unless he have a license from the master and warden for the time being.

It is also ordered, by the master and wardens, and the whole craft, that every member of the said craft, that takes an apprentice shall bring him before the master and wardens, and there to have his indenture enrolled, within a year and a day.

It is also ordered, by the master and wardens and craft, that every apprentice of the said craft, that is enrolled, and truly serves his command shall pay a silver spoon to the guild, weighing an ounce and in fashion, and shall give a breakfast when he becomes a free man.

It is also ordered by the master and wardens, and the whole fellowship that every one made free of the craft by redemption, shall pay 20s. and give a breakfast to the master and wardens, when made free of the city. Every newly made freeman shall have the first year one servant, the second year two, the third year three, and an apprentice if he can afford it.

THE OATHS TO BE TAKEN.

You shall swear, that you shall be good and true to the fraternity of St. John the Baptist of Tailors in the city of Exeter, and to obey the master and wardens for the time being. You shall not disclose the counsel of the brotherhood or of the craft. You shall not encourage strangers. You shall show the indenture of your apprentices, and bring them into the craft at the end of their terms. You shall not hire or entice away any worker or apprentice. You shall not take a shop until you are admitted as a freeman by the master and wardens. Also, you shall not entice away customers from the master and wardens.

You shall not leave the fraternity of tailors for another, but uphold it according to your estate. Also, if you die you shall leave the

brotherhood a legacy. Also, you shall sue no man of this craft, without license from the master for the time being.

This is to be read the four quarter days.

You shall pray for all brothers, sisters and benefactors of the fraternity, and specially for our sovereign lord King Edward IV., founder of the guild and fraternity, for the princes, for the king's council, for the good-doers of the guild, for the soul of Richard Orange, first master of the fraternity and guild, for the soul of John Hamlyn, and for the soul of Thomas Rowse.

The Oath of the Master of Occupation.

You shall swear that you shall well fulfill your office as master, according to the ordinance that was made by the eight men, that you attend regularly, and show no favor to any man.

Here follows the Oath of the free Brothers.

You shall swear to be good and true to the fraternity of St. John the Baptist of Tailors in Exeter. You shall sue no brother of the craft without leave of the master and wardens, but to lay your case before them, you shall not make away with your livery improperly. You shall pay for your clothing, alms and meat, that is to say, for your alms xijd. a year, for your meat viijd. on midsummerday, or the next day following, and for your clothing within a month. You shall also help any brother of the fraternity fallen into poverty. You shall also leave a legacy to the guild for the benefit of the poor men.

Here follows the oath of any person that is admitted.

You shall swear that you will well and truly behave yourself. The master and wardens shall also teach you the skill of the craft.

The Oath of the Bedell.

You shall swear that you will serve the master and company of the craft of tailors, for the time being, faithfully, and that you shall summon all persons, that are commanded rightly, you shall attend the master, and such counsel as shall be told to you you shall keep in secret, and generally do your duty.

EXAMPLES OF CONTROL BY THE GUILD OVER MASTERS AND WORKMEN.

Md., that John Brendon will have to pay a penalty for not meeting the brethren on St. John's day.

Md., That John Rowter received 4 yards of blue broadcloth, to make Master Robert Rydon a gown, upon which the said master

Robert complained of missing the cloth. The guild found that there had been no waste, as was proved by the patterns, in paper, which had been kept.

M., that John Skeche, tailor in the city of Exeter, came before the master and wardens, the 16th day of March, and there made a complaint against William Spicer, tailor, for keeping a pewter pot of his, and for sewing a kirtle without sleeves, etc. For which offence, the master and wardens award that the said William shall pay 16d to John Skeche and then be released.

Md., That Master William Puhe unlawfully chastised and bruised his servant John Lynch, for which offence, the master and wardens of the guild adjudge, that the master shall pay the doctor's bill, the servant's board, and heavy amends; as well as a fine to the guild.

Md., one John Tregaso was sworn to the guild of the Tailors of St. John the Baptist of the city of Exeter, and denounced his oath before the mayor. The master and wardens charged him with perjury, but the matter was hushed up, and he again swore to the guild. But Tregaso did not fulfil his duties to the guild, whereupon the master and wardens put him in stocks, and kept him there for a day and night. At last, two sureties became bound for his good behavior future.

A NEW ORDINANCE 23. H. VIII.

Ordinance of A.D. 1531. Every tailor's widow may employ as many workers as she will, while she keeps up the trade and pays her shares and bears her lot; but if this is made a cover for irregular trading, then the widow and workers shall all pay penalties.